

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

UNITED STATES OF AMERICA PLAINTIFF

VERSUS CAUSE NO. 3:16-cv-00489-CWR-JCG

THE HINDS COUNTY BOARD OF SUPERVISORS,  
HINDS COUNTY SHERIFF, ET AL. DEFENDANTS

VIDEOCONFERENCE PROCEEDINGS  
BEFORE THE HONORABLE CARLTON W. REEVES,  
UNITED STATES DISTRICT COURT JUDGE,  
FEBRUARY 9, 2021,  
JACKSON, MISSISSIPPI

(Appearances noted herein.)

REPORTED BY:

CANDICE S. CRANE, RPR, CCR #1781  
OFFICIAL COURT REPORTER  
501 E. Court Street, Suite 2.500  
Jackson, Mississippi 39201  
Telephone: (601) 608-4187  
E-mail: Candice\_Crane@mssd.uscourts.gov

**APPEARANCES VIA VIDEOCONFERENCE:**

FOR THE PLAINTIFF:

CHRISTOPHER N. CHENG, ESQ.  
AARON FLEISHER, ESQ.  
SARAH STEEGE, ESQ.  
LORA COWALL, ESQ.  
HELEN VERA, ESQ.  
MITZI DEASE PAIGE, ESQ.

FOR THE DEFENDANTS:

CLAIRE BARKER, ESQ.  
TONY GAYLOR, ESQ.  
RAYFORD G. CHAMBERS, ESQ.

ALSO PRESENT:

ELIZABETH SIMPSON  
DAVID PARRISH  
JIM MOESER  
RICHARD DUDLEY  
SHERIFF LEE VANCE  
UNDERSHERIFF ALAN WHITE  
CHIEF DEPUTY ERIC WALL  
WARDEN RICK FIELDER  
SYNARUS GREEN  
LESLIE FAITH JONES  
MIRANDA BOLEF  
JODY E. OWENS, II  
CREDELL M. CALHOUN

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**TABLE OF CONTENTS**

Style and appearances.....1-2

By Ms. Simpson..... 10

By Mr. Parrish..... 11

By Mr. Moeser..... 35

By Dr. Dudley..... 54

By Ms. Simpson..... 57

By Mr. Cheng..... 67

By Mr. Gaylor..... 79

By Ms. Barker..... 84

By Mr. Gaylor..... 92

By Ms. Barker..... 96

By Mr. Owens..... 98

By Mr. Cheng..... 109

Court Reporter's Certificate..... 118

PROCEEDINGS VIA VIDEOCONFERENCE, FEBRUARY 9, 2021

THE COURT: Good morning. Who's on? Can you hear me fine?

MR. CHENG: Yes. Yes, Your Honor.

THE COURT: Okay. All right. Who's on for the government?

MR. CHENG: This is Christopher Cheng.

I also have my colleagues Aaron Fleisher,  
F-l-e-i-s-h-e-r --

THE COURT: Okay. Hold on, please. Hold on for one second. Mr. Cheng, you say you're on and Ms. Fleisher?

MR. CHENG: Mr. Aaron Fleisher.

THE COURT: Mr. Aaron Fleisher. I'm sorry.

MR. FLEISHER: Good morning, Your Honor.

THE COURT: Good morning.

MR. CHENG: Sarah Steege. That's S-a-r-a-h, last name is S-t-e-e-g-e.

Helen Vera, her last name is V-e-r-a.

Lora Cowall, C-o-w-a-l-l.

And from the U.S. Attorney's Office, Mitzi Dease Paige,  
P-a-i-g-e.

THE COURT: Okay. All right. Who's on for the County?

MS. SUMMERS: I think they went away.

THE COURT: No one's on for the County?

1           Who's on for the sheriff?

2           MR. CHAMBERS: Your Honor, Ray Chambers and Tony Gaylor  
3 is on the line, too, for the County. I'm sorry.

4           THE COURT: Mr. Chambers and Mr. Gaylor.

5           Who is on for the sheriff?

6           MS. BARKER: Claire Barker for the sheriff's office.

7           THE COURT: And are there -- are there any parties --  
8 are there any parties here as well?

9           MS. BARKER: Yes, Your Honor. For the sheriff's  
10 office, we have Sheriff Vance in the room, Undersheriff White,  
11 Chief Deputy Wall, and Warden Fielder.

12          THE COURT: Warden -- if you could you spell the last  
13 name?

14          MS. BARKER: Fielder, F-i-e-l-d-e-r.

15          THE COURT: And what is the undersheriff's first name?  
16 I see you said the last name is White.

17          MS. BARKER: Alan White and Chief Deputy Eric Wall.

18          THE COURT: Any county officials available or on the  
19 line or present? Are there any county officials -- in  
20 addition to the sheriff's department, are there any county  
21 officials on the line?

22          MR. CHAMBERS: No, Your Honor. Your Honor, Mr. Gaylor  
23 is having a little trouble with his connection. He's trying  
24 to get back in right now, I think.

25          THE COURT: Okay. And I -- I'm sorry. Mr. Gaylor, you

1 made it back on?

2 Who are my monitors on the line? I know I see a  
3 couple. I see three of you, at least.

4 MS. SIMPSON: Yes, Your Honor. This is Lisa Simpson,  
5 the monitor, and my team is present: Dave Parrish, Jim  
6 Moeser, and Dr. Richard Dudley.

7 THE COURT: Okay. All right. We're here for the  
8 status conference. Now, I can't see everyone because I assume  
9 some people are calling in and not utilizing Zoom or whatever  
10 we made available to you. I think we made Zoom or either the  
11 other thing that we use here at the court, so...

12 MS. PAIGE: It was Zoom, Your Honor. It was Zoom.

13 THE COURT: It was Zoom, okay. Thank you.

14 So, Mr. Gaylor, are you connected?

15 MR. GAYLOR: Yes, Your Honor. Can you hear me?

16 THE COURT: Okay. Yes. All right.

17 MR. GAYLOR: Yes. I apologize for our technical  
18 difficulties at the County. We are still experiencing them.  
19 That's why my video is not working.

20 THE COURT: Okay. Are there any county -- I think I  
21 asked this question, but I just want -- well, Mr. Chambers  
22 answered it. No county officials are -- no county officials  
23 are present?

24 MR. GAYLOR: No county officials.

25 THE COURT: Okay. The county administrator is not

1 present?

2 MR. GAYLOR: No, Your Honor, she's not on the call.

3 THE COURT: Who is the county administrator? I know it  
4 has changed since we last spoke.

5 MR. GAYLOR: It's Ms. Scherrie Prince. She's the  
6 acting county attorney until another one is appointed.

7 THE COURT: She's the acting county administrator?

8 MR. GAYLOR: Administrator, I apologize. Yes.

9 THE COURT: Is there any particular reason why the  
10 county officials are not present? I mean, they've been  
11 present before, I think.

12 MR. GAYLOR: There -- I don't believe there is a  
13 particular reason. In fact, I can still try and reach the  
14 board president, which (AUDIO GAP) last month, so, you know,  
15 people are still getting a little adjusted to their new roles.

16 THE COURT: Okay. The new -- the board presidency has  
17 changed.

18 MR. GAYLOR: Yes.

19 THE COURT: The current president is now Supervisor  
20 Calhoun?

21 MR. GAYLOR: Supervisor Calhoun. Yes, Your Honor.

22 THE COURT: Okay.

23 MR. GAYLOR: And so I'll make sure I get him located.

24 THE COURT: Okay. It's been several months, and if at  
25 any time anyone does not hear me or understand what I am

1 saying, please ask me to repeat it or whatever.

2 If you are not speaking, I ask that you place your  
3 microphones on mute so that you won't hear any feedback of any  
4 kind or no disturbances from where you are sitting.

5 It's been many months since we last got together. I  
6 think it was back in June. So we -- so our last status  
7 conference I believe was in June, and I know we've had at  
8 least two reports to have been submitted since that last one.  
9 The most recent report is of December 4th, 2020. There was  
10 one that was submitted I think prior to that, and we did not  
11 hold a status conference after having received it.

12 The status report was submitted on August 4th, 2020,  
13 and now we have received this one on December the 4th, 2020,  
14 and the purpose of this is to find out where we are, where the  
15 County is with respect to the issues that are germane to the  
16 oversight of the Hinds County detention centers or facilities  
17 which are the subject of the lawsuit that was filed.

18 So it may take just a little bit longer to get through  
19 today's proceedings than usual because we did not have the  
20 other hearing, but I do believe what is covered in the report  
21 of December, to the extent -- I think it might just be  
22 appropriate to talk about what's in the December report  
23 because it follows up on what was submitted back in August.

24 Unless the monitors or the parties suggest otherwise,  
25 that's how -- we will do as we've done in the past. I will



1 ask Ms. Simpson to give me her report findings.

2 When you're speaking, I will ask that you state your  
3 name for the record. I can see you. I can hear you. This is  
4 a public hearing. Persons may be participating on the call --  
5 I say "participating." They may be listening. And so there  
6 won't be any confusion as to who is speaking at any given  
7 time, I'll ask you to, you know, state your name for the  
8 purposes of making sure that those who might be on the line  
9 will know who's speaking.

10 So, Ms. Simpson, thank you-all for the work that you  
11 have done. I do realize since June, I guess -- I guess -- no,  
12 no, since even before June, you've not had the ability to come  
13 onto the premises to do what might be necessary to do, and I  
14 will get you to explain, if you will, any shortcomings because  
15 of your lack of ability to actually come to the facility.

16 And I want to stress and make sure that the people --  
17 or that the record reflects that has nothing to do with you  
18 and your team. It has everything to do with COVID why you  
19 cannot have any personal presence here. No need to jeopardize  
20 you and your team, and no need to jeopardize any of the  
21 attorneys or anyone else.

22 So I'll start with you, Ms. Simpson, and let you go  
23 forward as you deem necessary. I might have some questions  
24 about certain things and might interject, but at the end of  
25 your presentation, I definitely will give the attorneys the

1 opportunity to ask any questions or to do -- make any  
2 presentation that they wish to make.

3 MS. SIMPSON: This is Lisa Simpson. Thank you, Your  
4 Honor.

5 I'm actually going to turn it over to Mr. Parrish  
6 fairly quickly because I think the most important issues  
7 facing the County and the sheriff have to do with staffing and  
8 supervision and the condition of the facility.

9 But to respond to your question about any limitations  
10 by doing these site visits remotely, I'll say a few words.  
11 The compliance monitor -- or compliance coordinator and the  
12 county staff and the sheriff's staff have been very helpful in  
13 getting the documents that we request to us. This site visit  
14 was a little more rocky in part because we wanted a lot of the  
15 January documents, and January had only just ended by the time  
16 we needed the documents, so it was a little trickier, but they  
17 have been very helpful in getting documents uploaded that we  
18 need to review.

19 There are limitations, of course. Among others, we  
20 can't physically walk around the facility, so we're fairly  
21 reliant on people telling us what the condition of the  
22 facility is. The same with staffing; we can't see what posts  
23 are staffed and what aren't. And some of the files, like the  
24 inmate record files, are -- some of them are very voluminous  
25 and can't necessarily be fully uploaded. So there's some

1 limitation in reviewing the inmate records. And as each of my  
2 team members speak, they may alert you to other limitations.  
3 And we tried to make a note of it in the report where there  
4 was a limitation in our ability to monitor.

5 But we -- and we're just now starting the February site  
6 visit. We had a full day of interviews yesterday, and then  
7 we'll continue on this afternoon. So we may have some updates  
8 from the December report based on the documents that we've  
9 reviewed and the few interviews that we've completed, but  
10 mostly the December report reflects our most recent findings.

11 So with that, I think I'll turn it over to Mr. Parrish  
12 so he can talk about the areas within corrections operations.

13 THE COURT: Thank you, Ms. Simpson.

14 Mr. Parrish?

15 MR. PARRISH: Good morning, Your Honor.

16 THE COURT: Good morning.

17 MR. PARRISH: I hope I got it right and unmuted. Okay.

18 I'm going to cover three interrelated areas: status of  
19 the facilities, staffing, and supervision. And each one is  
20 affected by the other.

21 And, you know, with regard to facilities, the Jackson  
22 Detention Center has been closed for over six months due to  
23 plumbing and HVAC issues. The inmates and staff were moved  
24 from there to the work center and to the Raymond Detention  
25 Center. And fortunately, with the count being down, they've

1     been able to accommodate that.

2             THE COURT: Let me ask a question about that,  
3     Mr. Parrish. And I apologize for cutting across you.

4             When we -- I guess it was in August of 2019 that I  
5     walked around with the monitors team at the facilities. The  
6     Jackson Detention Center, that's where a lot of -- that's  
7     where the majority of the women were being held; is that  
8     correct?

9             MR. PARRISH: That's correct. And they are now housed  
10    at the work center.

11            THE COURT: They're now housed at the work center? Are  
12    there males housed at the work center too?

13            MR. PARRISH: Yes, there are. There are three housing  
14    units that house males and one housing unit that handles  
15    females.

16            THE COURT: Okay.

17            MR. PARRISH: All right?

18            THE COURT: Okay. Thank you.

19            MR. PARRISH: All right. There's no estimated date for  
20    reopening of the Jackson Detention Center, but from my  
21    perspective that's really a moot point because they don't have  
22    the staff to reopen and run three facilities again. That's  
23    how these things are interrelated.

24            THE COURT: But let me ask you this, though. I guess  
25    going back to the time that we were there in August, I think I

1 walked away that day with the understanding and the impression  
2 that the JDC was the one that was the most efficient, was the  
3 one that was, I guess, most efficient. It ran the best. I  
4 mean, it seems like they had the most capable people there  
5 doing everything that needed to be done.

6 The only thing -- as I recall, the only hiccup with the  
7 Jackson Detention Center was that there was no real area for  
8 people to engage in any type of exercise or to go out or to be  
9 out. I think that was the only sort of -- to the extent  
10 there's something negative about the JDC, that was the only  
11 thing. It was run by a young woman I think who was doing an  
12 excellent job.

13 At least I left with that impression on that day that  
14 the Jackson Detention Center was the one that was in the best  
15 shape and it was the best of the three operations or four  
16 operations among the facilities.

17 MR. PARRISH: Partially correct, Your Honor.

18 THE COURT: Okay.

19 MR. PARRISH: The oldest jail was built in the 1970s.  
20 It's a linear/intermittent surveillance facility that can't be  
21 modified to direct supervision, which is required by the  
22 settlement agreement. It's not an efficient facility, but it  
23 was a very well-run facility. When I first went through that  
24 jail before the settlement agreement, it was a disaster, but  
25 they brought in new staff, they turned it around, and it did

1 run well. The captain that was in charge has since retired.

2 But there are mechanical and maintenance problems with  
3 that facility that are tied to age and design that have caused  
4 us to look at recommending that facility be closed from the  
5 very beginning. Some of that's going to be covered in master  
6 planning when that work is done.

7 THE COURT: Okay.

8 MR. PARRISH: But at any rate, that facility is now  
9 closed. There is no estimated date for reopening, and so  
10 they're making do with work center, which is now operating at  
11 a greater capacity than it did before. It's within capacity,  
12 but they're making better utilization of the facility than  
13 they did in the past.

14 And two of the three pods at the Raymond Detention  
15 Center are currently open. Now, at Raymond, Charlie Pod was  
16 under renovation for the second time now for the best part of  
17 a year or more, and it reopened on October the 22nd,  
18 supposedly now under the direct supervision housing mode. But  
19 unfortunately, that's just not the way it's worked out. They  
20 are trying to staff them with an officer inside each housing  
21 unit, but adopting the principles and dynamics of direct  
22 supervision has been a real problem there. That's something  
23 I'll address later on.

24 Then work on the Bravo Pod, B-Pod, has begun, and the  
25 idea was to renovate that and bring it up to the standard of

1 Charlie Pod. CML was the firm from Texas that was brought in  
2 to work on the doors and the control panel, and the estimate  
3 is that they're going to be completed with their work by  
4 mid-March. But there are so many other problems to be fixed  
5 for which the County has no plan that there's no estimated  
6 date for when it will be reopened.

7 Maintenance is a major problem between the County  
8 supposedly providing the service and -- the whole maintenance  
9 work order system that was put in place under the previous  
10 county administrator has kind of collapsed, and it's become  
11 dysfunctional, and that's partially because we've had so many  
12 personnel changes at the County from the top to the bottom,  
13 and the maintenance director retired, was replaced by another  
14 one, who is now gone, and I have hopes that as of yesterday  
15 they selected somebody else. But getting things repaired has  
16 become worse than problematic.

17 Alpha Pod is still open, but it is totally unsecure due  
18 to locks on doors that do not work, and there is no plan to  
19 repair this pod. Rather, it's supposed to be closed when  
20 Bravo (AUDIO GAP).

21 THE COURT: Okay. Hold on for one second, Mr. Parrish.  
22 You sort of broke off there. You said that there is no plan  
23 to repair Pod A?

24 MR. PARRISH: That's correct.

25 THE COURT: But it's currently being used?

1           MR. PARRISH: It is being used until such time as Bravo  
2 Pod can come back online after CML and the County have  
3 repaired it and brought it up to the level of Charlie Pod,  
4 which was repaired.

5           THE COURT: Okay. The -- what -- the state of  
6 disrepair includes the doors not being able to be locked on  
7 Pod A?

8           MR. PARRISH: In Alpha Pod, that's correct. That's the  
9 worst of the facility there.

10          THE COURT: How many inmates are in the Alpha Pod? Do  
11 we know?

12          MR. PARRISH: Generally, they've got well over 200  
13 people at the Raymond Detention Center, and they're split  
14 between Charlie and Alpha, so it's in excess of 100. I can't  
15 tell you what it is today.

16          THE COURT: I have not compared my notes from the past  
17 reports quite yet, but with respect to the locks -- well, is  
18 there a plan to -- is there a plan to continue to use the  
19 Alpha Pod?

20          MR. PARRISH: No, sir. This was done when the  
21 stipulated order was put together, and the plan was to repair  
22 Charlie first and then to repair Bravo next and then  
23 ultimately to repair Alpha only if it's ever put back online.  
24 But right now there is no plan to operate that pod once Bravo  
25 comes back online.



1           THE COURT: There's no timeframe on when Bravo will be  
2 finished, though; right?

3           MR. PARRISH: No, sir.

4           THE COURT: Okay. So we're -- so in effect we are  
5 using -- and when I say "we," the County is using the Alpha  
6 Pod?

7           MR. PARRISH: Oh, it is using it, has always used it,  
8 but once Bravo comes back online, the plan is to shut it down.

9           THE COURT: Right. But there is no target date for  
10 Bravo to come back online. There's no end date.

11          MR. PARRISH: Not yet, sir, no.

12          THE COURT: And so while we await the repair of the  
13 Bravo Pod, the Alpha Pod is being used by over 100 inmates,  
14 and there are no locks -- are there locks on any of the doors?

15          MR. PARRISH: Oh, yes, sir. There are locks in there,  
16 but the inmates are able to jimmy them and pop out almost at  
17 will, even to doors that come out from the housing units, but  
18 certainly from the cell doors.

19          THE COURT: Right. The problem that we've been talking  
20 about ever since I assumed this case.

21          MR. PARRISH: Yes, sir.

22          THE COURT: And I guess I assumed this case about two  
23 years ago, I think.

24          MR. PARRISH: Yes, sir.

25          THE COURT: You may proceed, Mr. Parrish.

1 MR. PARRISH: Thank you, Your Honor. The next topic is  
2 staffing, which has always been a significant problem. The  
3 numbers that I got yesterday indicate that staffing is up to  
4 about 231 of the about now 281 funded positions. Nine of  
5 those 231 are new -- they're not new positions. They used to  
6 be contract food service employees, who are now county  
7 employees, so that's bumped the number up just a little bit.

8 Over the past two and a half years, staffing has never  
9 exceeded 256. The last report, we were down in the  
10 neighborhood of 204 less some people in the academy. So the  
11 numbers are up marginally, but when you have the impact of  
12 COVID and excessive turnover, it just makes usable people --  
13 getting enough usable people a problem.

14 There are now 284 authorized positions, of which 281  
15 are funded. If yesterday's figure's correct, we've got 231  
16 that are actually on board. The revised staffing plan calls  
17 for 407 people. That was the staffing plan revision that was  
18 issued last April.

19 But Jackson Detention Center is closed; that's about 64  
20 or 65 positions. And the Raymond Detention Center Bravo Pod  
21 is closed; that's 45. So you put those together, that's about  
22 110. That means that they really need about 297 positions to  
23 operate the portions of the jail system that are open today,  
24 and they're in the neighborhood of 230, 231.

25 The next area deals with supervision, and part of the

1 problem is tied back to staffing. Unfortunately, supervisors  
2 are called upon to do an awful lot of detention officer work  
3 rather than supervisory work because of the vacancies. So, to  
4 their credit, they go around and they stand posts and they do  
5 work the detention officers should be doing, but it certainly  
6 takes away from their ability to actually supervise and make  
7 sure that things are done according to the policies and  
8 procedures that have been approved.

9 We're in the neighborhood of 25 to 27 now approved and  
10 adopted policies, but getting that out to the officers and  
11 having supervisors make sure that they're following it is what  
12 has -- it's like the next problem.

13 I'm going to start off with the direct supervision at  
14 the Raymond Detention Center in Charlie Pod. We brought in  
15 the National Institute of Corrections to provide training on  
16 direct supervision. They did that to orient people. Then  
17 Hinds County was to take it upon themselves to train the rest  
18 of their staff and be able to open up each pod as it's  
19 renovated under direct supervision.

20 Well, to do that in Charlie Pod means you have to have  
21 an officer inside each of the direct supervision housing  
22 units. That pulls officers from other places and creates a  
23 staffing issue. But unfortunately, the officers working in  
24 Charlie Pod at the Raymond Detention Center are used to  
25 operating under the old method where they locked inmates down

1 and were able to walk away from it, or left the door closed so  
2 they couldn't come out of the housing unit. And they've been  
3 doing the same thing in Charlie Pod, which is not direct  
4 supervision. That's not taking control of the place. And  
5 it's actually counterproductive.

6           So I've been working closely with Jail Administrator  
7 Fielder to try and develop some interim guidelines for them  
8 until a proper policy can be developed. And hopefully we'll  
9 be able to get that out to them so they have some direction on  
10 when can I lock an inmate down in his cell? Where are inmates  
11 fed? It's supposed to be in the day room, not in their cells  
12 like they often did before.

13           It's just a whole cultural change for them, and it's  
14 been very difficult. It's been easier to adopt at the work  
15 center, which has a dormitory-style operation and was set up  
16 that way from the time the building opened up back in early  
17 2000s. And we see that officers are not able to be where they  
18 need to be and supervisors, therefore, are filling in for them  
19 by -- for instance, in Charlie 4, which is a lock-down area, a  
20 significant number of fires set by inmates. That's not what  
21 you expect when you have a properly controlled lock-down area.

22           And all these things are linked to supervision, to lack  
23 of staff, and to issues with the facility. Hopefully we were  
24 looking at, when Charlie opened up, that the issues with the  
25 facility would help alleviate some of these other problems.

1 They have to a certain degree, but the level of supervision is  
2 still inadequate, inconsistent, and the staffing issues make  
3 everything worse. So they're -- the three issues are  
4 interrelated.

5 The encouraging thing is that we finally got Charlie  
6 online. I have hopes yet that four months later we'll finally  
7 be able to start implementing direct supervision. It should  
8 have started in October when it opened up. Unfortunately,  
9 that just was not the case.

10 And that's basically where we stand right now, sir.

11 THE COURT: With respect to -- with respect to  
12 supervision, I'm looking at the executive summary that has  
13 been prepared by you-all. Got a couple of questions about  
14 supervision.

15 The executive summary indicates that all the  
16 supervisors have been trained on the use-of-force policy.  
17 Now, are those supervisors then in turn responsible for making  
18 sure that every other employee is trained in the use-of-force  
19 policy? Because I see the executive summary sort of hones in  
20 on the fact that the supervisors themselves have been trained  
21 on the use-of-force policy, but I'm not sure if it indicates,  
22 well, what about the regular COs there and others there at the  
23 facility?

24 MR. PARRISH: The training bureau is providing that  
25 training as people come in through the academy. I can't say

1     that every officer has received this training yet, but they  
2     gave priority to that. I'll be having a meeting later this  
3     week with the commanders in training to review the specifics  
4     of that. They gave me a preliminary report, but I can't say  
5     that everybody has had that yet.

6             But getting the training and then implementing it,  
7     overcoming years of history of doing things differently, is  
8     the problem to be overcome in all of this. So at least we  
9     have it documented now as to what's required, and hopefully  
10    through review of specific incidents through having review by  
11    CID and IAD, we can make sure that they develop some  
12    consistency in applying use-of-force standards.

13            THE COURT: Okay. The jail administrator, I guess  
14    since I've been involved, that position I guess has been  
15    filled by -- it was -- I think when I got first involved, Mary  
16    Rushing was jail administrator at RDC, and I think the report  
17    now reflects that there is a different jail administrator and  
18    that that person I believe, according to you, Mr. Parrish,  
19    meets all of the qualifications necessary to be the jail  
20    administrator?

21            MR. PARRISH: Yes, sir. He has the education and  
22    experience and supervisory experience. That's something we  
23    didn't have before. We had a lot of experience but didn't  
24    have the requisite education level.

25            THE COURT: Okay. And under the jail administrator,

1     there is an assistant jail administrator. The report reflects  
2     that that person does not meet the education qualifications  
3     that you would expect; is that correct?

4             MR. PARRISH: Yes, sir. Just going by what the  
5     requirements call for for the position, he didn't meet it.

6             THE COURT: Okay. Did the County give you any  
7     particular reason why or what steps that might be taken to  
8     make sure that that person or that someone else might be  
9     necessary to -- well, what kind of inquiry was -- did you make  
10    with respect to that, I guess?

11            MR. PARRISH: Well, all we can do is really point it  
12    out. They've got to look at what experience qualifications  
13    you have and compare them against what else is available out  
14    there, and they opted for experience as opposed to trying to  
15    zero in just on education. You know, sometimes you find the  
16    education but you don't have the experience to go with it. So  
17    they didn't have, apparently, both requisites fulfilled in a  
18    candidate and opted for experience.

19            THE COURT: Okay. And I think the report shows that  
20    the third person necessarily in hierarchy, I guess, at the  
21    facility would be -- is a captain, and I think there you  
22    indicated that the captain did not meet the requisite  
23    supervisory experience. I think -- I think that's in the  
24    report.

25            MR. PARRISH: Yes, sir, he had a great deal of

1 experience, but it just wasn't necessarily in a supervisory  
2 position for the requisite amount of time. It was close but  
3 didn't quite make it, but had a great deal of experience.

4 THE COURT: Now, and then also with respect to staffing  
5 supervision, whatnot, it also -- you know, as the parties  
6 know, we've had rounds of trying to meet whether the County  
7 might be in full compliance, substantial compliance with  
8 respect to any of these things, and I do have some questions  
9 about, again, staffing and supervision, the policies and  
10 procedures, because I think -- I think the executive summary  
11 in the report indicates that substantial -- obviously we want  
12 full compliance. That's our goal, I think. Full compliance.  
13 And if we can't get full compliance, we want substantial  
14 compliance.

15 And I think I read where there's not even substantial  
16 compliance on some of the areas in particular. And part of  
17 that -- the substantial compliance cannot be reached, I think,  
18 if I recall reading the summary correctly, because you don't  
19 have the policies and procedures in place in all of the  
20 necessary areas, and this is something that we've been talking  
21 about since day one that I've been involved in it.

22 I think the monitors went out -- well, I think either  
23 the monitors went out and got somebody to assist in that  
24 regard. I know DOJ was looking at it. The policies and  
25 procedures' shortcomings, the sputtering that's going on with



1     trying to get them all done, in my mind -- and, please, I'm  
2     going to give the parties an opportunity to tell me, Judge,  
3     no, no, you're wrong, but in my mind is just taking way too  
4     long to get some written words on policies and procedures.  
5     It's just way too long. It should not take two full years to  
6     have the policies and procedures in place. And, again, I'm  
7     going to hear from the parties in that regard, but -- and find  
8     out what the holdup is and why that just cannot be done.

9             MS. SIMPSON: Your Honor?

10            THE COURT: Yes.

11            MS. SIMPSON: This is Lisa Simpson. May I speak to  
12     that for a minute? I wanted to give you more precise  
13     information as to where we're at on the policies and  
14     procedures, and I say "we" because I've been working on them  
15     as well.

16            There's a list of needed policies that is 93 needed  
17     policies. Forty-eight of those are identified as priority  
18     policies. Of those 48 priority policies, 23 have been  
19     approved and adopted as well as four nonpriority policies. So  
20     that's 27 policies that have been approved and adopted. Two  
21     additional policies are currently under review by the  
22     Department of Justice. So you're right, it's been a slow  
23     process, and I can speak to that to some extent.

24            It was slow to get started. I think the sheriff's  
25     office and the County looked at different approaches for

1 getting the policies and procedures completed, and I don't  
2 recall how long a period of time that was where it really just  
3 didn't get much traction at all.

4 My team -- actually, Mr. Parrish -- contacted the  
5 National Institute of Corrections to see -- initially to see  
6 if they had an expert in the area of records that could assist  
7 Hinds County in working on their inmate records and the record  
8 system. She turned out to be a very knowledgeable, very  
9 helpful person. NIC could not provide her. I think that had  
10 something to do with the change of administration at that time  
11 and the loss of funding by the NIC. So we recommended that  
12 the County contact with her directly. That apparently was  
13 cumbersome, and so we brought her on to our team.

14 And I have to apologize. We're having some work done  
15 on the house, so if you hear -- (AUDIO GAP) appear to be on  
16 the roof right now.

17 THE COURT: All right.

18 MS. SIMPSON: The -- the -- sorry. They're drilling or  
19 something.

20 The -- so she came on to our team, but the approach  
21 that she has taken, which I think is a good approach, but it  
22 is a more time-consuming approach, is to work with a committee  
23 within Hinds County and have them develop the policies along  
24 with her guidance. I think that makes them tailored to Hinds  
25 County operations and also is sort of a training mechanism in

1 the process.

2 That happened, moved along fairly well. In the last, I  
3 would say, six months, there has not been as much engagement  
4 by the Hinds County people. And speaking with Ms. Albert in  
5 the last several weeks, that appears to have been remedied.  
6 So there should be more progress now, but we did have a period  
7 of time where it was difficult getting the policy group to  
8 really engage in that process. So I agree it's been slower  
9 than it should be, but we're hopeful that we'll now get a  
10 little more progress speeding up.

11 So that's where the policies are, and I would say,  
12 however, that with the policies that have been adopted, we  
13 don't always see that they're really being implemented, that,  
14 you know, there's certain requirements with respect to, oh,  
15 classification committees and things of that sort that really  
16 don't seem to be being implemented according to the policies.  
17 So I think there's still a bit of a disconnect even with  
18 policies that have been adopted.

19 THE COURT: So you're telling me you-all are working on  
20 establishing -- using up all this time drafting policies and  
21 procedures that would make things work more efficiently and  
22 work things according to the standards, but you're drafting --  
23 but they're drafting up the policies and basically relegating  
24 them to the dustbin and not implementing them?

25 MS. SIMPSON: It does appear that they are not fully

1 implemented. Some are. Some reflect what they've done in the  
2 past. I think -- as Mr. Parrish mentioned, I think it's been  
3 very difficult for -- to make changes in how the operations  
4 are run, and so there's a tendency to just do what they've  
5 always done even after a new policy has been adopted that  
6 directs some other type of action.

7           And just as an example, administrative segregation is  
8 used extensively at Hinds County, and people stay in  
9 segregation for fairly long periods of time. There's actually  
10 supposed to be a review under the newly adopted policies, a  
11 review of people in administrative segregation by the  
12 classification committee every seven days to see if they can  
13 be returned to general population. And as near as we can  
14 tell, that review doesn't take place and, in fact,  
15 classification doesn't always even know why somebody is in  
16 administrative segregation.

17           So that's just one example. There are others. There's  
18 supposed to be an audit of grievances. I think the new  
19 quality assurance officer is looking at getting that going,  
20 but that's something that's in the policies but not done. So  
21 there's a number of examples like that. I think Mr. Parrish  
22 has some concerns that use of force is not consistent with the  
23 policy.

24           So, yes, even when they're adopted, they're not  
25 necessarily fully implemented, and that's an issue that we

1 continue to look at.

2 THE COURT: Well, Mr. Parrish, what are the  
3 shortcomings on the use-of-force type of things that you think  
4 are shortcomings? I mean, in my mind that's something easy  
5 for me to see. So what sort of shortcomings are we having on  
6 the use-of-force policy?

7 MR. PARRISH: Your Honor, I'll give you an example. On  
8 the street certain things are acceptable because if you're not  
9 able to pop somebody, they can escape, run down the road, and  
10 get away. Inside a correctional facility, a jail or a prison,  
11 the same standards do not apply, and you have time and the  
12 ability to call for backup and you've got a secure wall that  
13 keeps the inmate there.

14 So with regard to the use of, for instance, OC spray or  
15 foam to try and control somebody in a jail setting it's  
16 inappropriate to use it to coerce an inmate to do something,  
17 to tell them go into that cell and he doesn't go. Go into  
18 that cell or I'm going to spray you. He doesn't go. So you  
19 spray him with OC. That's an inappropriate use of force. OC  
20 and other less lethal weapons are designed for protection.  
21 It's entirely appropriate to use it to break up a fight  
22 between inmates where they're hurting each other and you can't  
23 get into the middle of it. No problem.

24 It's inappropriate to tell somebody to do something and  
25 they refuse to cooperate to then coerce them into doing it by

1 spraying them. Unfortunately, that still happens a lot in the  
2 jail system, and that's something that has to be overcome  
3 through training. They're used to being able to do it that  
4 way. You can't do it that way. The policy says very  
5 specifically that it cannot be used to coerce somebody or to  
6 force them to do something that you tell them unless it's to  
7 protect yourself.

8 If they're coming at you, throwing blows at you, doing  
9 something like that, by all means, then it's a defensive tool  
10 and it's appropriate to use. But that educational process is  
11 a difficult one because it's ingrained in them that if he  
12 doesn't do what I say, I can spray him or I can shoot the  
13 less-than-lethal shotgun, and that's inappropriate. That's  
14 one of those training issues that's going to have to be  
15 overcome.

16 THE COURT: Let me ask you this, Mr. Parrish: How do  
17 you know that is an issue? Is it because maybe they are  
18 documenting it and you see it from the file, or through your  
19 monitoring you've talked to inmates or others who have -- I'm  
20 just trying to find out -- you say that OC is used quite a bit  
21 in various capacities there or utilized quite often, I think  
22 might have been the word that you used. But how do we know  
23 that? Is it because it's in some sort of document that the  
24 monitors have seen?

25 MR. PARRISH: Yes, sir. It's from reviewing the

1 incident reports --

2 THE COURT: Okay.

3 MR. PARRISH: -- the use-of-force reports, the criminal  
4 investigative reports subsequently, and the internal affairs  
5 investigative reports subsequently, and that's where we draw  
6 that information from. It's by their own documentation as to  
7 what happened.

8 THE COURT: Does that documentation show what, if  
9 anything -- what discipline, if any, persons who violate the  
10 policy, what discipline, if any, they receive?

11 MR. PARRISH: No, sir. Because nobody is found guilty  
12 of violating the policy, even by CID or IAD, in spite of what  
13 the policy says. They're all exonerated without exception.  
14 And that's one of the training things that we're going to go  
15 through with CID and IAD to have them walk us through cases  
16 during this hearing or during this week to please explain to  
17 us, this is what the report says; why do you find it this way  
18 or that way? And maybe that will help resolve the issue.

19 THE COURT: You indicated with respect to staffing,  
20 Mr. Parrish, that you still believe that they're understaffed,  
21 and I note that I'm looking again at the report, and I do  
22 appreciate the chart, Ms. Simpson, that you developed to help  
23 keep track of when things are done, and it's very helpful, but  
24 I note that there's a -- at one time the County was trying to  
25 get a recruitment and retention plan adopted.

1           The first thing they had to do was get a recruitment  
2 officer in place, and I think that was done at or near the  
3 time of our -- the last status conference we had. I believe  
4 they got a retention officer in place. Is that person still  
5 in place?

6           MR. PARRISH: No, sir. Unfortunately, he was  
7 transferred to detention afterwards and then resigned, so  
8 they're looking for a replacement at the present time.

9           THE COURT: And so they never -- so they don't have a  
10 retention officer, and the person over recruitment, that  
11 person was going to be designated or responsible for, again,  
12 trying to hire these additional COs and others that were  
13 needed within the facilities; right?

14          MR. PARRISH: Yes, sir. The recruiting officer was  
15 part of the group that we talked to during our last remote  
16 site visit, and we were scheduled to talk to him again along  
17 with the background investigator, but unfortunately, yesterday  
18 we learned that he has since resigned.

19          THE COURT: The County will be able to answer this  
20 question, but have they discussed with you, Mr. Parrish, what  
21 plan they have? I know when we met in June and even before  
22 then, you know, there were talks about trying to hire  
23 additional COs and taking every effort necessary, radio  
24 advertising, I think, and I even heard some myself. Haven't  
25 heard it in a while, I don't think. But they are -- but I



1     assume -- have you and the County discussed what are they  
2     doing to try to meet the goals that you say that they're  
3     needed for these facilities to be sufficiently staffed?

4             MR. PARRISH: Your Honor, we (AUDIO GAP) directly with  
5     the County on that issue. The sheriff's office has put  
6     together a plan for, like, a career development ladder for  
7     detention officers to increase their salary from the  
8     neighborhood of 27,000 to about 30,000 and to have step  
9     increases per year after that. That went to the County, but  
10    our understanding is that nothing has been actually approved  
11    and implemented yet.

12            THE COURT: Okay. Thank you, Mr. Parrish.

13            MR. PARRISH: Thank you.

14            THE COURT: Thank you so much.

15            Ms. Simpson, I'll return it to you to tell -- let you  
16    engineer this train.

17            MS. SIMPSON: Okay. And I do have some things to add,  
18    but I think I'll have Jim Moeser speak next in the hopes that  
19    the people on the roof will have moved elsewhere by the time I  
20    need to speak.

21            And with respect to the juveniles being charged as an  
22    adult, there's been sort of an issue that's become a concern,  
23    and that is that the number of JCAs, as they're referred to,  
24    has been growing, and the Henley-Young facility has a cap, and  
25    so the County has been concerned about what alternatives there

1 are for the JCAs.

2 So in addition to having Mr. Moeser talk about the  
3 conditions and compliance with the settlement agreement, I'd  
4 like to have him sort of explain what that issue is. And  
5 obviously you'll need to hear more from the County and the  
6 sheriff's office with respect to where that stands.

7 So I'll turn it over to Mr. Moeser now.

8 THE COURT: Thank you.

9 MR. CHENG: Your Honor, this is Christopher Cheng.

10 THE COURT: Yes.

11 MR. CHENG: If I could interrupt just for a moment. I  
12 did want to point out that the counsel for interested parties,  
13 the Southern Poverty Law Center, have been present in this  
14 hearing from the beginning. I see Leslie Faith Jones up on my  
15 screen, at least. I did want to mention they are here today.

16 THE COURT: Thank you, because I don't see that.

17 Anyone else with you, Ms. Jones? Maybe you can't --  
18 maybe she can't --

19 MS. JONES: Yes, sir. Good morning.

20 THE COURT: I'm sorry?

21 MS. JONES: Good morning, Judge Reeves. Good morning.  
22 Yes, sir. I am here with Miranda Bolef, also from our office.

23 THE COURT: Could you spell the last name?

24 MS. JONES: Yes, sir. B-o-l-e-f.

25 THE COURT: Thank you, Ms. Jones. And the interested

1 parties are particularly interested in the Henley-Young  
2 matter; is that right? For the most part; right?

3 MS. JONES: Yes, sir. Thank you, Judge Reeves.

4 THE COURT: All right. Mr. Moeser, thank you.

5 MR. MOESER: Thank you, Your Honor.

6 Good morning to everyone.

7 So my name is Jim Moeser, M-o-e-s-e-r, and I have been  
8 focusing, as Lisa said, on the youth charged as adults located  
9 at Henley-Young. Currently there are, I think, 22 youth that  
10 fit that category, and I'll cover kind of a range of things  
11 from personnel to physical plant, some programming and some  
12 population issues that start to hit on the concerns that  
13 Ms. Simpson mentioned about location, where they stay.

14 Just -- personnel, just from the prior report, even as  
15 that was being written, changes were occurring. The executive  
16 director that had started in May left at the end of November.  
17 The mental health treatment coordinator that started in, well,  
18 actually, I think also early November left near the end of  
19 November as well. So those are two key vacancies. So there's  
20 again an acting executive director, Mr. Burnside, who has  
21 filled that role and close to that role a number of occasions  
22 over the past years. I think since I've been involved in fall  
23 of 2016, I think it's about -- I would say most -- probably  
24 the majority of time has been a vacant executive director  
25 position.

1           THE COURT: The -- I'm sorry, Mr. Moeser. At one time,  
2 I guess, since I've been involved, they did have an executive  
3 director --

4           MR. MOESER: Correct.

5           THE COURT: -- or somebody on staff.

6           MR. MOESER: Yeah. Mr. McDaniels, when I started, was  
7 involved. He went on leave at the time he ran for a court  
8 position, for a judicial position, so he was gone for a period  
9 of time on leave, and then he was elected, and then it took  
10 another four or five months to hire his replacement. That  
11 person I think began at the start of May and left at the end  
12 of November. So it's been pretty significant. Just so you're  
13 aware that that executive director position has continued to  
14 be in flux really the whole time that we've been involved.

15          THE COURT: Was that -- I'm sorry. Was that the  
16 position -- did Mr. Fernandez Frazier hold that position at  
17 one time?

18          MR. MOESER: Oh, that's correct.

19          THE COURT: I'm sorry?

20          MR. MOESER: Mr. Frazier was -- your memory is better  
21 than mine. Yes. Mr. Frazier was in there for a period of  
22 time as well. So really there have been three people since  
23 I've been involved as well as big gaps of time when there's  
24 not been someone in that role. Right.

25          THE COURT: Okay. And currently right now that role is

1 being filled by Mr. Burnside on an interim basis?

2 MR. MOESER: Correct. Correct. The mental health  
3 treatment coordinator, which is a position that we've been  
4 advocating for, as you know, for quite a while was filled  
5 originally by a psychologist for a period of time. She left.  
6 Ms. Walker was hired as a -- in that position in early  
7 November, I believe, last year and left in about the third  
8 week of November. So, again, that position has been largely  
9 vacant for significant periods of time. And both of those are  
10 pretty key positions. So those are a concern.

11 I would say, again, Mr. Burnside and Mr. Dorsey have  
12 been through this a number of times at Henley-Young and  
13 continue to try and carry the load, but it is a challenge.

14 They have hired a new training and development  
15 coordinator, which is helpful. There has been always a  
16 position for training officer being filled by someone who's on  
17 leave, on military duty, for most of the time I've been  
18 involved. They've had other people temporarily filling that  
19 role.

20 Mr. Harrington I think created -- I think wisely sort  
21 of realigned that position to be sort of a training and  
22 development coordinator, and someone has been brought on board  
23 who seems to have or at least purported to have really good  
24 experience and will be able to develop sort of a training  
25 curriculum that goes beyond the basics. That's been the

1 constant concern, that due to staff turnover and training  
2 limitations, staff were getting sort of basic training and not  
3 much beyond that. But hopefully this person can help put  
4 together a curriculum and development structure so that as  
5 people progress in their experience they will also be able to  
6 get more training.

7           There's also brought on board in the fall a program --  
8 sort of a program coordinator who was charged with developing  
9 additional life skill, social skill, cognitive behavioral  
10 interventions to work with kids to fill in some of the time on  
11 the units that otherwise was left for playing cards, and  
12 things around decision-making and anger management and things  
13 like that that she has been working on and developing that  
14 as -- I'll talk a little bit more about that when I get to  
15 programming in particular.

16           And, you know, in the December report, you'll notice  
17 significant concerns about the vacancies in the youth care  
18 professional position. That has been alleviated somewhat but  
19 still remains an issue. I think, according to Mr. Burnside,  
20 as of yesterday, there were still eight or nine vacancies,  
21 which is not -- which is more than there had been in prior  
22 years but less than the 15 vacancies that we found when we  
23 were there last time, or talked (AUDIO GAP).

24           But that raises a significant challenge to filling --  
25 you know, covering shifts, having the staff in the facility to

1 be able to move youth around the facility appropriately, to  
2 get them to visitation -- or to get them for phone calls, for  
3 other safety concerns, if they have youth that needs  
4 one-on-one supervision, *et cetera*.

5       They still remain pretty short staffed and still  
6 significant amounts of turnover, as well as the vast majority  
7 of youth care professionals have second jobs because the pay  
8 is so poor that it makes it difficult for training. They  
9 can't fill extra shifts. Apparently the County doesn't allow  
10 or provide overtime compensation, A, so I think you'll see in  
11 the last report, I alluded to that, you know, Mr. Burnside and  
12 those folks were really just struggling just to get people to  
13 fill slots that were needed, and I think that's still somewhat  
14 of an issue, although they've brought in some new people to  
15 begin training.

16       So personnel -- similar to Mr. Parrish, these things  
17 are interrelated. Personnel is a significant issue, and I  
18 don't see Henley-Young being able to progress in some of the  
19 other areas until that's stabilized either through an increase  
20 in pay or other means to recruit and retain line staff to stay  
21 there for periods of time where they can become experienced  
22 and get more training.

23       They are also facing, both on the adult and youth side,  
24 apparently a new recruitment from the state Department of  
25 Corrections in which someone with even less experience and

1 less education than Henley-Young requires can make 8 to  
2 \$10,000 a year more being hired by the State. They're  
3 expecting -- Mr. Burnside's concerned about staff leaving him  
4 as that recruitment goes forward. So that remains a  
5 significant issue.

6 Physical plant. The additional portable classroom  
7 space has been added but not yet utilized. It is furnished.  
8 I think the necessary electronics and cameras I think are  
9 installed, but they have not been used yet and integrated into  
10 the program, partly due to -- largely due to lack of staffing  
11 and teaching staff. The intent would have been to -- and  
12 continues to be to be able to use those as classrooms, which  
13 would require additional teachers from Jackson public schools  
14 and will require staff -- enough staff in the facility to make  
15 sure they can cover additional spaces, although some of that  
16 can be accommodated by how you move kids around.

17 But at least the physical part is there; however, the  
18 security fencing around those units has not been completed.  
19 Also can't use them for that reason. So they're technically,  
20 I guess, outside -- in the recreation yard fence, they are  
21 outside that space, so they need additional fencing, which I  
22 understand has been bid -- I think bids -- and someone from  
23 the County may know. I think bids may have been received, but  
24 there's -- I'm not sure of any timetable for actual  
25 completion.



1           The door locking/unlocking system has broken down.  
2       It's an old system, not modern, and not uncommon that those  
3       things eventually wear out. All the doors -- interior doors  
4       have to be opened and locked manually. That's not ideal. It  
5       slows things down in terms of movement through the facility.  
6       It also means staff are carrying keys. Kids sometimes then  
7       know that staff have keys that can open certain doors. They  
8       have not had any incidents where staff have been attacked to  
9       get keys, but there are always ongoing concerns. But it's not  
10      the ideal.

11           That's a fairly expensive proposition. There have been  
12      some potential bidders on the site recently, but, again, I  
13      don't have a timetable on when something might be done. The  
14      cameras do work so they can do observation from a central  
15      area, but they can't control any movement or doors.

16           The population -- well, let me talk about programming  
17      first. Programming continues to be a concern. Education  
18      continues to be split. There are -- because of -- and this is  
19      interrelated to staffing as well as behavioral issues with  
20      youth. Not all the kids are getting school all the time.  
21      There are kids, for example, today -- at least or yesterday  
22      when we asked, half the youth are -- half of the youth charged  
23      as adults are doing work on their unit in packets that the  
24      teachers prepare that are given to them, and staff that are on  
25      the unit can help them, but having observed that in a prior

1 visit, it's pretty -- it's marginal -- it's marginal, if  
2 helpful at all, and I can't -- it's one of the limitations of  
3 not being on-site to be able to really see what's actually  
4 happening.

5 But I think there are extended periods of time where  
6 youth are not really getting educational services. The  
7 teachers are there but are only seeing half the kids at a  
8 time, and even what was a marginal school program, in my  
9 opinion, is even more so problematic now. And that has not  
10 changed, and, again, not being able to be there on-site, I  
11 have a lot of concerns about how that's being done.

12 Some of the other program- -- go ahead.

13 THE COURT: Let me ask you this, Mr. Moeser: What's  
14 the age of the youngest child there?

15 MR. MOESER: Let me see if I can get that. Fourteen,  
16 looks like. Looks like 14. There are -- of the 22 youth in  
17 that category, ten of them are 17, and then, you know, 15 and  
18 16. So 14 is youngest I see right now.

19 THE COURT: And all of these -- all of these children,  
20 like the people at RDC, are awaiting trial; right?

21 MR. MOESER: Yes. I'm told that -- although the  
22 document they gave me doesn't reflect this, I'm told verbally,  
23 and I want to try and confirm that before the week is out,  
24 that the vast majority of the 22 youth charged as adults have  
25 been indicted. You know, someone said 21 of the 22. I'm not

1 sure that's -- I can't confirm that, but there are four youth  
2 that have been there over a year, and so length of stay  
3 continues to be an issue for the youth and the --

4 THE COURT: And as a part of what you're doing, that is  
5 information that I would like to know: how long they are  
6 there pre-indictment and post-indictment.

7 MR. MOESER: Okay.

8 THE COURT: And it's concerning to me that, again,  
9 like, a 14-year old obviously has been accused of -- I assume  
10 all of them have been accused of, I guess, murder or rape, I  
11 guess. I mean, not just any felony. I guess it's murder and  
12 rape, and I guess the -- they've been certified as adults and  
13 the state court judges have found or determined that there are  
14 no conditions that they can place on these kids to be released  
15 from jail, you know, any kind of bond, any type of anything  
16 they -- I guess the judges have determined that the best place  
17 for that individual is the Henley-Young facility.

18 MR. MOESER: I think that's generally right, Your  
19 Honor. The charges often are -- there's -- strong-arm robbery  
20 is a common one, armed robbery, some -- I think a couple  
21 homicide cases. These are directly filed as adults. The  
22 majority of youth do not have a bond available. The other  
23 ones obviously are pretty high. So they are stuck.

24 And I'm -- it's actually a good lead-in to one of the  
25 other issues with the population that as the length of stay

1 has increased -- and this -- you will recall that's been an  
2 issue all along. Judge McDaniels had implemented what's  
3 called the Minors Diversion Docket, which was trying to,  
4 through an arrangement with the chief judge, do what he called  
5 Minors Diversion Docket, which was within 90 days bringing the  
6 parties together and seeing what direction the case was going.

7 He did get that started, and back in the late spring  
8 and early summer, when he was still on that assignment, there  
9 were a number of hearings that were being held. He did  
10 release some youth. He did return, I think, one or more youth  
11 back to the youth court. So there was some fairly quick  
12 review.

13 That ceased at the time he was transferred to criminal  
14 court. He sent a memo suggesting that that diversion docket  
15 be continued. It wasn't. The County now has been exploring  
16 with the judges and working with the judges and the district  
17 attorney to develop some process to expedite these youthful  
18 cases. That has not been resolved as far as I can tell or  
19 kicked in in any significant way, either in terms of  
20 indictment or, you know, getting these cases to trial.

21 I think the district attorney -- it sounds like the  
22 district attorney is currently on board with moving them  
23 sooner, and the judges hopefully are going to be on board and  
24 there's going to be some expediting of these cases that will  
25 have an effect, but we don't know yet. And Mr. Gaylor can --

1           THE COURT: But we have nobody from the District  
2 Attorney's Office present today; right?

3           MR. MOESER: I believe that's correct.

4           THE COURT: So that's been a shortcoming all along,  
5 under the past administration and now it looks like this  
6 administration. I understand this suit is against Hinds  
7 County, and it doesn't say the State of Mississippi, which is  
8 the office that the district attorney represents. I know it's  
9 a state office, but the district attorney is a necessary cog  
10 in this wheel because they're part of the Criminal Justice  
11 Coordinating Committee, if nothing else.

12           But I don't have anybody here from that office to help  
13 me see why is it that, you know, we have these kids and the  
14 people at RDC -- because we've talked about this before, that  
15 people over in RDC for 3, 4, 5, 600 days before getting a  
16 trial or having a case disposed of in some way.

17           All right. Let me ask you. I'm looking at your  
18 report. Again, this is the executive summary. You say -- and  
19 this is a related point, Mr. Moeser -- concerns remain related  
20 to the extended length of stay for JCA youth particularly  
21 given the absence of a judge overseeing the Minors Diversion  
22 Docket initiated by Judge McDaniels.

23           I realize Judge McDaniels now does something else as  
24 the youth court judge. I think he's over the criminal docket,  
25 I think. But there is another youth court judge now.

1 MR. MOESER: Correct.

2 THE COURT: Judge Hicks. Now, has she continued that  
3 process? Is she -- what is it -- to your knowledge, what is  
4 it that she's doing as youth court judge now?

5 MR. MOESER: Right. So to the best of my knowledge, in  
6 that she started her term relatively shortly before, I think,  
7 our last calls and visit, has not picked up that docket in any  
8 way. There's been no -- despite, well, Judge McDaniels laying  
9 out that process, has not been picked up by her or initiated  
10 or authorized by Judge -- I don't know if Judge Green is still  
11 the presiding chief judge or not, but -- so no one has picked  
12 up that process.

13 So she is doing solely youth court cases, child welfare  
14 cases, juvenile court cases, and that's -- she's not involved  
15 at all at this point with these youth charged as adults.

16 THE COURT: Who's -- is it -- does anyone know who's  
17 in -- I would have assumed that that was going to fall up  
18 under the judge who was assigned to the youth court. That's  
19 how it's been in the past.

20 MR. MOESER: And Mr. Gaylor may be able to say more. I  
21 mean, I think that was -- that process was a unique creation  
22 of Judge McDaniels given his experience at Henley-Young and  
23 his interest in that population and moving those cases  
24 forward. He saw the impact of them lingering at Henley-Young,  
25 and so he took it upon himself to work with Judge Green and

1 some others to develop that Minors Diversion Docket, but that  
2 was the first time it's been implemented in any way. And I  
3 think it was a very creative and potentially productive  
4 solution to some of the length-of-stay issues.

5 But it was not technically a youth -- he was doing it  
6 as a -- somehow he was given this extra docket assigned by  
7 Judge Green, so it was a little bit off-line in the normal  
8 process is my understanding.

9 MR. GAYLOR: Your Honor, if I can --

10 THE COURT: Hold on, Mr. Gaylor. And, Mr. Gaylor, you  
11 can correct me. It's my understanding that we have three  
12 youth court judges -- three county court judges, excuse me.  
13 One judge does primarily criminal work, the criminal docket.  
14 That is now Judge McDaniels. One judge does the civil docket.  
15 That's now Judge Stokes. And then there's a judge to the  
16 youth court. In the past that position -- even before  
17 Mr. McDaniels had it as a youth court position, that was --  
18 Judge Skinner was housed over there in Henley-Young, and he  
19 did it.

20 So it has always -- over the last several years or  
21 maybe even decades, the County has divided it up in this  
22 particular way with respect to -- going back to Judge -- going  
23 back to Judge Henley days, who the detention center is named  
24 in part after, Chet Henley. I mean, you know, so these have  
25 been divided -- these responsibilities have been divided

1 between these county court judges. Again, though, I'll hear  
2 from Mr. Gaylor, because -- because if I am incorrect in how I  
3 think it is, I certainly need to be corrected.

4 MR. GAYLOR: Yes, Your Honor. If I may interject, I  
5 can perhaps bring a little clarity to the situation.

6 Again, I also have board president Credell Calhoun, who  
7 has been in my office since almost the beginning of the call,  
8 since he joined us, so I just wanted to make you aware that  
9 the board president is on the call as well.

10 Now, with regard to the administration of the docket,  
11 the youth court judge is Judge Hicks. She was assigned that  
12 by the chief county court judge, Judge Stokes. The chief  
13 circuit court judge, Judge Green, had assigned -- or had  
14 attempted to assign as a special circuit judge Judge McDaniels  
15 for the administration of the JCAs. It has been brought to my  
16 attention by Judge Green that most of those JCAs, perhaps 21  
17 of the 23, have been indicted. So now all of those cases  
18 belong to the judges -- the circuit court judges who have  
19 those cases, and 15 of those cases actually are with Judge  
20 Green.

21 So the Minor Diversion Docket that you're speaking of  
22 probably would have been -- and, again, I'm not completely  
23 familiar because I'm somewhat newer to it as well, but the  
24 Minor Diversion Docket you're speaking of primarily would have  
25 been taking place with people pre-indictment.



1           But nevertheless, that being said, Judge Green informed  
2 me that most of those cases now reside with -- the vast  
3 majority of those cases reside with the circuit judges that  
4 have those cases. And so what has been taking place now is  
5 conversations between the circuit court and the District  
6 Attorney's Office to figure out a way to process those cases  
7 for the JCAs now.

8           Most of those JCAs do have a bond, some of which are as  
9 low as \$15,000. But several of those -- a few of those cases  
10 do have no bonds because of the heinous nature of the crime  
11 and other factors, I imagine. So that is what's taking place  
12 right now, Your Honor.

13           THE COURT: Okay. Thank you, Mr. Gaylor.

14           MS. SIMPSON: Your Honor?

15           THE COURT: Ms. Simpson?

16           MS. SIMPSON: Could I mention that the district  
17 attorney, Jody Owens, has joined the call?

18           THE COURT: Okay. Thank you. I see Mr. Owens. Okay.

19           And, Mr. Owens, you might chime in to explain some  
20 things at some point in time.

21           But, Mr. Moeser, I'll go back to you. You can continue  
22 where you left off.

23           MR. MOESER: Sure. Thank you, Your Honor. I think  
24 that's probably a good way to segue into the concerns that  
25 Ms. Simpson alluded to. If the population of youth charged as

1 adults continues to grow -- and I'll just mention to you that,  
2 again, about ten of those kids currently there will turn 18  
3 this calendar year, and most of the youth that have left that  
4 facility under that youth charged as adult are aging out  
5 versus actually getting to court and getting to sentencing or  
6 getting to conviction, so I think the effort to the extent --  
7 and Mr. Owens could talk more about that.

8 If they are indicting faster, that's good, and Mr. --  
9 Judge McDaniels had been correct -- Attorney Gaylor was  
10 correct that he was hearing cases that had not been indicted  
11 yet, which was very slow to happen and in some cases months  
12 and months before even being indicted, so if in fact most of  
13 the youth are indicted, that's good news. It doesn't match  
14 the document I have, but I can straighten that out later.

15 THE COURT: When you say "aging out," is that 18 or 21?

16 MR. MOESER: They'll turn 18 and be transferred to  
17 Raymond.

18 THE COURT: Okay. At 18?

19 MR. MOESER: Correct. Correct.

20 THE COURT: Thank you.

21 MR. MOESER: Yeah. But anyway, so the concern is  
22 from -- the County's concern that's been raised is if that  
23 population continues to rise, either because we can't get a  
24 handle on moving these -- expediting these cases and getting  
25 them to disposition in some way and given potential -- some

1 concerns about potential rise in crime, if that population  
2 continues to increase, they will take over a significant --  
3 they already have a significant part of Henley-Young, but with  
4 a population cap of 32, Mr. Gaylor has explained that Judge  
5 Hicks is concerned about not having Henley available for youth  
6 court kids.

7           Ironically, as of today, I think there are no youth  
8 court kids at Henley-Young. That number has remained very low  
9 over the past year or more, but there are concerns about the  
10 growing number of youth charged as adults at Henley-Young. So  
11 I think it's important to everyone's benefit to be able to  
12 maintain Henley-Young as a viable facility that cases keep  
13 moving forward as best they can.

14           So these things -- so, yes, it's intertwined with how  
15 fast they're moving through the system and is raising some  
16 concern on the part of the County as to the long-term  
17 viability of Henley-Young as the place for youth charged as  
18 adults or other youth, for that matter.

19           So let me move on -- so let me get to -- oh, I'll just  
20 say there has been and I think you'll see in the report of  
21 December reference to that Henley-Young is a safe and stable  
22 environment. I think that's -- I would say I'm less confident  
23 of that this time than I was back then.

24           There has been a, I would say, notable increase in the  
25 number of incidents that include fights between youth, two

1 suicide attempts, a handful of youth that are really sort of  
2 involved in a bunch of stuff that they are struggling to get a  
3 handle on. I think some of it is related to the lack of staff  
4 and limited experience of staff. I continue to suggest that  
5 some of it's related to the physical plant, challenges with  
6 programming.

7           The youth are on their living units for significant  
8 periods of time with limited or marginal programming, and I  
9 don't remember if I've said this in your court, Your Honor,  
10 but in the youth world we say "if you don't plan activities  
11 for them, they will plan activities for you." So the more we  
12 can keep them programmed and better supervised, the less  
13 likely those incidents will be occurring.

14           I think there are also some concerns that some of those  
15 youth have significant mental health issues that they are  
16 continuing to work to address, but I think we really need to  
17 see to what extent they're able to manage some of the youth  
18 there. I think they are. I think they're capable of doing  
19 it, but they need a stable staff, they need a better physical  
20 plant, and they need to have that support to do that kind of  
21 programming that is needed.

22           And I think I'll just mention the -- it's a little  
23 difficult -- I think Ms. Simpson alluded to the value of being  
24 on-site is being able to look through youth records,  
25 cross-reference things, talk face-to-face with both staff and

1 youth. That's hard to do from a site -- from a virtual visit,  
2 so there are limitations on what we can -- you know, how  
3 confident I am of some of the things, but I echo Ms. Simpson's  
4 notes that they did provide quite a bit of documentation, and  
5 that's the bulk of what we've been able to look through and  
6 work from. And I'll leave it there.

7 THE COURT: Candice, how are you doing?

8 THE REPORTER: I'm okay, Judge.

9 THE COURT: Okay. All right.

10 Okay. Thank you, Mr. Moeser. I'll expect the County  
11 to tell me -- they can put a pin in, you know, when they  
12 anticipate getting a permanent -- again, something other than  
13 an interim executive director on board and a treatment  
14 coordinator for the kids over there.

15 But, Ms. Simpson, you can call your next person.

16 MS. SIMPSON: Okay. I'll have Dr. Dudley speak to the  
17 mental health and medical issues, and then I'll wrap up with  
18 some of the additional areas that we look at.

19 Dr. Dudley?

20 THE COURT: Okay. I note that Mr. Synarus Green is  
21 on -- is now on. Is that correct?

22 MR. GREEN: Yes, sir, Your Honor. I just switched  
23 devices.

24 THE COURT: Okay. All right. Thank you.

25 Mr. Dudley, thank you. Dr. Dudley, excuse me.

1 DR. DUDLEY: Good morning, Your Honor.

2 THE COURT: Good morning.

3 DR. DUDLEY: I'll just say that with regard to the  
4 virtual visits, the major limitations that I have is that I'm  
5 unable to meet with and talk to individuals about whom I might  
6 have some concern with regard to their mental health, and I  
7 therefore have to rely more on the medical records.

8 The only problem there is that in the absence of --  
9 when we're on-site, I can get into the medical records myself  
10 and do it, but in this kind of virtual setup, I don't have  
11 remote -- direct remote access into the electronic medical  
12 records, and so somebody has to sit there with me, share their  
13 screen, and -- as I go through the records, so it's just a  
14 little bit more cumbersome. So I can see still see the  
15 medical records; it's just a little bit more difficult than  
16 when I was able to do it on my own on-site.

17 The issues that Mr. Parrish mentioned with regard to  
18 the physical plant issues, the staffing issues, supervisory  
19 issues, I just wanted to note that those issues do have an  
20 impact on the delivery of health and mental health services.  
21 There are times when, for example, med pass gets interrupted  
22 and can't be completed because of -- in the context of a unit  
23 where there's doors that aren't locking, *et cetera*, and the  
24 shortage of staff, there's may be no one to sufficiently  
25 accompany the nurses for doing that.

1           Similarly, there are times when the mental health staff  
2     can't see someone on the unit or complete seg rounds, things  
3     like that. So it does have its impact on the delivery of  
4     medical and mental health services.

5           With regard to updates, the long-standing vacant  
6     qualified mental health professional position has been filled.  
7     That person started this last week, so the good news is that  
8     it's filled and the person has started. But the shortage  
9     of or the vacancy -- as a matter of fact since we've been here  
10    the last time, just one qualified mental health professional  
11    trying to address all the mental health needs, and so the  
12    difficulties that we've described in the last report  
13    essentially remained until last week.

14          Another update is that there appears to be improved  
15    operation around identifying and addressing the needs of those  
16    whose mental status deteriorates while in segregation; that  
17    mental health staff have found that the classification staff  
18    are working much better with them to address the needs of  
19    those so identified and assure that their mental health needs  
20    can be addressed and some other placement, where indicated,  
21    can be identified for them. So that's good news, because in  
22    the past when individuals were deteriorating with regard to  
23    their mental status while in segregation, it was hard to have  
24    those issues addressed.

25          Another update is that, as I mentioned in the last

1 report, I obtained a consultant for the mental health staff at  
2 the facility and those in the central office of the contractor  
3 to help them with regard to the planning for a mental health  
4 unit. That consultant has shared an enormous amount of  
5 information with them. There was also a virtual site visit  
6 arranged for them to visit one of the best jail mental health  
7 units in the country, and the warden and representatives from  
8 security and mental health all went on that virtual site visit  
9 together.

10 I sat in on it. They really talked about the planning  
11 process, the physical space needs, how they implemented the  
12 program, the lessons that they learned from doing that, and  
13 the feedback that that was enormously helpful to the security  
14 side as well as to the mental health side in moving forward in  
15 the planning for a mental health unit not only in the existing  
16 facility but in the future.

17 I mentioned in the last report that the State was  
18 beginning to do competency (AUDIO GAP) via telepsychiatry to  
19 address the backlog and the difficulty moving people, and that  
20 has in fact happened. They were being done at about the rate  
21 of one to two a week, and so that that has moved forward.

22 We don't have access to the findings of those  
23 competency evaluations, but at least they have been being  
24 done. As best I can tell, there was only one person who was  
25 so acutely ill and disorganized that they were unable to be



1 evaluated via telepsychiatry and therefore had to be actually  
2 taken to the state facility for that evaluation, but for the  
3 most part these telepsychiatry competency evaluations have  
4 moved forward.

5 MS. SIMPSON: Dr. Dudley, are you finished, or do you  
6 have more?

7 DR. DUDLEY: I'm finished.

8 MS. SIMPSON: Okay.

9 Your Honor, do you want me to wrap up the final areas?

10 THE COURT: Yes. Yes. Yes, Ms. Simpson.

11 Dr. Dudley, it looks like you've been spared. I don't  
12 have many questions for you, I don't think.

13 MS. SIMPSON: So I think the really important areas  
14 have been covered in terms of the facility and the staffing  
15 and the supervision. I look primarily at sort of system  
16 issues and administrative areas, so I'll just run through  
17 those, but I think the major concerns are in the areas I  
18 mentioned.

19 I wanted to mention some things that have been very  
20 good milestones. One is that the contractor -- the  
21 consultants that were retained to prepare a master planning  
22 report have in fact completed that report and have made some  
23 recommendations, some recommended options for the County to  
24 consider.

25 We've reviewed the report. We have not -- I think our

1 talk with them is tomorrow, but we had the report to review,  
2 and it really is a very good report, I believe. They did an  
3 excellent job of sort of assessing what it would take to make  
4 the current facilities operational and what the costs would be  
5 as well as some options for new facilities.

6 And I'll mention in that regard you had stated, Your  
7 Honor, that the JDC facility seemed to be one of the  
8 better-run facilities, which I think we would agree. A big  
9 part of the problem and the reason why we recommended a master  
10 planning process to begin with is that the staffing and the  
11 cost associated with running three facilities is really  
12 prohibitive, and so that was the purpose of the master  
13 planning process was to figure out which could be retained  
14 affordably or should they look at sort of building a new  
15 facility that would potentially allow them to close all three  
16 facilities.

17 So that master planning process I think is -- was an  
18 important one, and it made some recommendations, some  
19 recommended options, that I think will be helpful for the  
20 County to consider based on the information -- the wealth of  
21 information that's in that report.

22 And I wanted to -- one of the areas that I look at is  
23 grievances, and so in that connection I review grievance  
24 responses to see if they're appropriate. I wanted to share  
25 with you one of the grievances because, as Mr. Parrish

1 mentioned, A-Pod is in pretty bad condition, and I think this  
2 information from the inmate is sort of -- provides some detail  
3 to that. And I'll paraphrase a little bit.

4           It says, we're housed on a zone where the lights don't  
5 work. It's dark. We can't see at all. The doors do not lock  
6 at all. It's already dark. The light's out. We can't see,  
7 and the doors don't lock at all. The zone is real nasty. The  
8 cells are flooded everywhere with little tadpoles and little  
9 bugs in the water and the cell welded shut. There's a cell  
10 that's welded shut, so we can't clean it up. The top shower  
11 is broke. The water is not coming out, but it's running, so  
12 the water is foaming up inside the wall. And we still have  
13 not received cleaning supplies to clean up what we can.

14           And we did confirm with staff that the lights in A1  
15 have been mostly out for the last month and a half. They  
16 function intermittently. The detention officers use  
17 flashlights. There are in fact plumbing problems. The roof  
18 leaks, so when it rains, there's puddles on the floor. So  
19 it -- again, one of the limitations of a remote site visit is  
20 that we're not actually on-site to see the conditions, but it  
21 does appear from both staff and the inmates that A-Pod  
22 needs -- even though it's not going to be used going forward,  
23 it needs some work now to be livable.

24           A couple of good progress areas. The quality assurance  
25 officer that was hired, I believe last summer, is really doing

1 a fine job, a very good job. She's pulling together data from  
2 the different departments and not only putting it in a  
3 spreadsheet-type report, but she's developed a template for a  
4 narrative that would go with that.

5 She also has put together another spreadsheet that  
6 really looks at the reporting requirements of the settlement  
7 agreement and who's responsible and when they're supposed to  
8 be done so that she can track that and make sure that all of  
9 those reports are completed. And not just those required by  
10 the settlement agreement but also those that would be required  
11 by best practices.

12 One difficulty for her, though, is that she relies on  
13 the underlying data being accurate, and it is not always  
14 accurate, and that's a problem that we've had with  
15 particularly the incident reports from the beginning that not  
16 only are the incident report narratives not always complete,  
17 but there are fields that need to be checked off that are not  
18 necessarily checked off.

19 So, for example, I think her November report had five  
20 use of force -- that there had been five uses of force during  
21 the month when in fact if you go through the narrative of the  
22 incident reports there actually had been 11 uses of force, ten  
23 of which were OC spray. So she's moving in the right  
24 direction, but it will be difficult for those reports to be  
25 fully useful if the underlying data doesn't get improved.

1 I've not talked to the people from records or  
2 classification yet, so I don't really have an update from the  
3 December report. There's really been very good improvement in  
4 the records since -- certainly since we started the  
5 monitoring. We see much better consistency with the JMS  
6 system, the underlying files, and who's actually in the  
7 facility. So that's moving in the right direction.

8 There's still -- as of the December report, there were  
9 still some areas of difficulty where individuals were held  
10 longer than they should have been, typically not long periods  
11 of time, but just a few areas where the system needs some  
12 tweaking still.

13 Classification has also improved quite a bit since we  
14 started monitoring. There were a few glitches there, but  
15 the -- for the most part, the classification -- the initial  
16 classifications are being done accurately and there's not the  
17 same overrides.

18 As I mentioned earlier, there are quite a few people in  
19 administrative segregation. They don't seem to be getting the  
20 periodic review that they are supposed to be getting. And so  
21 that's an area of concern within classification.

22 The PREA officer -- PREA coordinator is doing very  
23 well. The quality of her reports have really improved, and  
24 she's really circling back to ensure that victims are getting  
25 the services that they need, so that's been a good area of

1 improvement. The one concern is sometimes we see in the  
2 incident reports what is a PREA incident that doesn't end up  
3 getting referred to the PREA coordinator, and so that training  
4 of the officers needs to be focused on. And, of course,  
5 training has been an issue under COVID, so hopefully that will  
6 gear up a little more once -- once everybody's vaccinated.

7         There is -- one of the requirements of the stipulated  
8 order is that there be hiring somebody -- or retaining  
9 somebody to assist with development of a pretrial services  
10 program. We spoke with the person that oversees that area,  
11 the court liaison, yesterday, and she is applying to a  
12 nonprofit to become a learning site for the development of a  
13 pretrial program. That application is due at the end of the  
14 month, so it -- it's not in the process yet, but that is a  
15 step towards compliance in that area that we really hadn't  
16 seen before.

17         So as I mentioned, there are areas of improvement, not  
18 just in these few areas that I've talked about, but certainly  
19 completing the renovations of C-Pod is a big step, and the  
20 quality control officer, PREA, there are areas of improvement.

21         Reviewing the incident reports, we continue to see  
22 operations maybe not changing that much despite these steps  
23 that have been taken, and a lot of that goes back to the  
24 inability to retain staff and sort of make -- retain staff  
25 long enough that the midlevel supervisors are qualified and

1     able to provide better guidance to the line officers, and so  
2     that probably contributes quite a bit to the difficulties in  
3     bringing operations into -- in line.

4             And I believe that's all I have as well.

5             THE COURT: Let me -- the Criminal Justice Coordinating  
6     Committee, it looks like they have not met since maybe last  
7     February. Is that a system that is not working? Is that -- I  
8     assume they can meet remotely like we're doing now. It would  
9     not require people to be in the same room, I wouldn't guess.  
10    Is that a fair assumption?

11            MS. SIMPSON: Mr. Gaylor informed me that they had met  
12    in December, and I believe Ms. Moore mentioned that they had  
13    met in October.

14            THE COURT: Okay.

15            MS. SIMPSON: I'll let Mr. Gaylor speak to that. It  
16    looks like he was unmuting there for a minute. Anyway, I  
17    understand from Mr. -- okay.

18            MR. GAYLOR: Right. Correct. We have met at least two  
19    times since the date that you mentioned last February.  
20    Probably three times since then, actually.

21            THE COURT: Okay.

22            MR. GAYLOR: We had -- but most recently we did have a  
23    meeting of stakeholders, which I believe should be classified  
24    as that type of a coordinating committee, in December, and  
25    primarily we're just trying to figure out a way to process

1 through this bottleneck because, again, I don't believe that  
2 we can make the representations in the absence of the pandemic  
3 that it is a huge challenge for us to have the processing of  
4 trials right now. So we're still working through that.

5 THE COURT: Well, y'all -- Hinds County's doing a  
6 better job of having trials than we are. Hinds County is  
7 having trials in civil matters and some criminal matters, so,  
8 you know, I don't know -- I don't know how it could be  
9 justified to have the civil trials to the extent of the  
10 criminals. I mean, you know, that's just my view. I mean, I  
11 know some of the judges are having trials, because I read  
12 about the verdicts.

13 MR. GAYLOR: Right. Well, Your Honor, honestly, it has  
14 been somewhat haphazard, to say the least, because we were  
15 having difficulties finding venues to convene grand juries.  
16 We've had to contract with hotels. We've had the assistance  
17 from the secretary -- state secretary of Agriculture, I guess,  
18 Agriculture secretary, to use the Trademart Center and other  
19 agencies' venues.

20 We've had quite a bit of a problem, and so we do have a  
21 significant bottleneck right now, particularly in the criminal  
22 arena, but there were only probably two of the four judges  
23 that were having court at least on a little bit more of a  
24 routine basis than the others, but that has not been normal at  
25 all.



1           THE COURT: Okay. I'm not one who's pushing folk to go  
2 to trial. I'm not doing that, I mean, because I have not had  
3 a trial here in over a year -- or in about a year myself, so  
4 I'm just saying, but I've had no civil trials or criminal  
5 trials, and to the extent I expect to have anything, it's  
6 going to be criminal trials because those defendants have that  
7 higher constitutional right, at least, or definitive  
8 constitutional right, unlike persons who are pursuing civil  
9 matters.

10           We're going to be ready to take a break to give my  
11 court reporter about a ten-minute break. You can put your --  
12 you know, you can put your -- keep your speaker on mute.  
13 Don't take your Zoom thing to the bathroom with you. Shut  
14 that off, and, you know, take it -- go powder your nose.  
15 We're going to take about a ten-minute break.

16           And I'll tell the County and the sheriff what I'm  
17 concerned about here: the notion that Pod A is being used,  
18 and Pod A should not be used, from what I heard about the  
19 lights being out, the leaking roof, the doors not working, the  
20 officers having to use flashlights. I understand it's being  
21 used because Pod B is totally incapable of being used, and I  
22 don't know how long the County intends to continue doing that.

23           And I'm going to give the County too the opportunity to  
24 address those other things that Ms. Simpson and her team has  
25 said, like the substantial time that people are placed in

1 administrative segregation without -- or prolonged  
2 administrative segregation. It seems like -- there seems to  
3 be no follow-up. The fact that we have had -- we have been  
4 talking about these policies and procedures and  
5 implementing -- well, first of all, drafting them and,  
6 secondly, implementing them, and now what I've heard today,  
7 some have been drafted but very few have been implemented. So  
8 it seems to me that what's the use? If you're not going to --  
9 you know, so I'll be ready to hear from you on those things as  
10 well as the other things, including the use-of-force policy,  
11 the hospitalizations that have occurred, and the  
12 inmate-on-inmate assaults that have occurred.

13           There are other things. I'm sure Mr. Cheng and others  
14 will make sure we cover everything, but those are the things  
15 that come to the front of my mind right now that deserve and  
16 need a response from the County, and now that Mr. Owens is on  
17 from the state authorities as well.

18           We're going to take about a ten-minute break and then  
19 we'll start back up.

20                       (A brief recess was taken.)

21           THE COURT: Are we ready to proceed?

22           MR. CHENG: Yes, Your Honor.

23           THE COURT: Okay.

24           MR. CHENG: The United States is ready.

25           THE COURT: All right. The County? I don't see

1 Mr. Gaylor or Mr. Chambers.

2 MR. GAYLOR: Yes, Your Honor, we're still on.

3 THE COURT: Okay. All right. All right. Well,  
4 we'll -- we're back from a recess.

5 Obviously the County's doing some things, and I know  
6 the sheriff is doing other things, and some of which y'all are  
7 doing together. So how do you propose is more efficient to  
8 proceed? Who has the most answers? Because I have plenty of  
9 questions. Or at least the monitor's laid out plenty of  
10 things that are unresolved or questions, so who would like to  
11 go first?

12 I'm very accommodating. I usually give you an  
13 opportunity. If you want me to just designate one of you to  
14 go first, I will.

15 MR. CHENG: Your Honor, we could probably help provide  
16 a bit of a road map for us to proceed. There are a lot of  
17 problems here, and we do have some suggestions on how to focus  
18 the hearing a little bit to target the main problems.

19 THE COURT: Okay.

20 MR. CHENG: So as Your Honor has heard from Ms. Simpson  
21 and her team, there are a myriad of violations of the  
22 settlement agreement, some of which pose very serious risks to  
23 the inmates, the staff, and the community. The life safety  
24 issues, for example, in the A-Pod could themselves be the  
25 focus of an entire hearing.

1           For our purposes, however, our focus is a little  
2 narrower. We've recognized for some time that the only way to  
3 get the County into compliance with the settlement agreement  
4 is to prioritize certain key remedies. The stipulated order  
5 in particular covered some of the highest priority issues, and  
6 that's why I think it's helpful to start there.

7           According to the monitor's last report, the defendants  
8 missed about 26 of the deadlines in the stipulated order.  
9 They met ten, and there are about seven that are not  
10 applicable or are pending, or at least that's our count based  
11 on her report. So when we're doing this tour this time  
12 around, we're focusing on some of those same issues, and we  
13 are thinking that a lot of those remedies are sort of the  
14 foundation for further improvement in the other big areas.

15           When the defendants failed to implement some of those  
16 express provisions of the stipulated order, in some cases they  
17 actually still made some progress with their own *ad hoc*  
18 approaches. We don't want to criticize them for some types of  
19 delays that can occur with any complex endeavor or just good  
20 faith efforts to implement the stipulated order. We're also  
21 sensitive to the fact that the pandemic has complicated  
22 things, and, you know, they've had some staffing turnover,  
23 which has also made their lives difficult.

24           So our focus is on the violations that we don't think  
25 are justifiable and that need to be addressed right away if

1 they're going to make progress on critical issues such as  
2 staffing and for providing services for the youth and certain  
3 elements of mental health care.

4 I think our concerns fall into two big categories. The  
5 first is the County's failure to build expertise and develop  
6 the institutional structures needed to address the  
7 long-standing staffing issues.

8 THE COURT: If you would, Mr. Cheng, would you slow  
9 down just a little bit.

10 MR. CHENG: Yes.

11 So, again, the first big issue is the failure to build  
12 expertise and the institutional structures needed to address  
13 long-standing staffing issues. They've had a problem for some  
14 time with severe staffing turnovers, inexperienced  
15 supervisors, and bottlenecks in the criminal justice process,  
16 so the settlement and stipulated order included several  
17 provisions to address these issues. They include stipulated  
18 order 2(b)(4), which required they hire a credentialed  
19 corrections recruitment and retention consultant.

20 Defendants have done very little in this area. Other  
21 than a slight pay increase, they have not been working with a  
22 consultant to develop strategies for retaining staff, training  
23 supervisors to motivate and manage their employees, creating a  
24 salary ladder, or any of the other pieces that were built into  
25 the stipulated order.

1           Stipulated order 4(a)(1) required that this consultant  
2     come in within four months, which would have been May 16th,  
3     2020. Our understanding is they just haven't brought anyone  
4     in. I believe Ms. Simpson has put a consultant under her own  
5     contract, but it's not really clear what the status of that  
6     process is. And even though she has a consultant helping her,  
7     my understanding is the County has not really been meeting  
8     with the consultant or doing any of the things they need to do  
9     to get retention under control.

10           Another provision is the provision regarding the  
11    pretrial services program. Within four months they were  
12    supposed to hire a full-time employee to oversee development  
13    and implementation of the program. The individual had to be  
14    certified by the National Association of Pretrial Services  
15    Agencies, and that certification was supposed to be completed  
16    within 12 months.

17           I believe Ms. Simpson had flagged that the people they  
18    were assigning to handle these tasks were often people who had  
19    other duties and didn't really have a lot of training on  
20    developing pretrial programs. The County, again, just didn't  
21    do much here. They just came up with their own solution and  
22    hoped it would work, and I think that's one of the reasons  
23    they're behind again.

24           There's also stipulated order 5(a) which said within  
25    30 days they should have posted for a treatment director at

1 Henley-Young. They didn't post for the correct position until  
2 May 20th, and, as Ms. Simpson and Mr. Moeser pointed out, both  
3 the executive director and the treatment directors for  
4 Henley-Young left in November 2020. So we don't know how they  
5 can get into compliance with the agreement when they're not  
6 doing the really basic things about hiring the people they're  
7 supposed to hire, looking for the expertise they're supposed  
8 to find, paying for the people they need to pay for in  
9 critical positions so they can then take next steps under the  
10 agreement.

11 THE COURT: What do you say, Mr. Cheng, to -- I assume  
12 this is what we're going to hear: We hired a treatment -- we  
13 hired somebody under 5(a) and they left. What is it that --  
14 what more -- I'm just asking because I'm assuming that's what  
15 I'm going to hear from the County: We hire people; they  
16 leave. I guess we need to get to the source of why they're  
17 leaving.

18 MR. CHENG: Yes, Your Honor.

19 THE COURT: I mean, you hire a treatment coordinator,  
20 and position posted correctly in May of 2020, and here it is  
21 February of 2021 and the person is already gone. I think the  
22 person stayed there a couple of months at most. The same way  
23 we're operating under an interim executive director of the  
24 youth facility; right? That person came aboard and they left,  
25 and I guess -- you know, so what -- what do you say to the

1 County's response that I think we're going to hear: We can't  
2 make people stay? But the County certainly should not be  
3 running people off. I don't know if that's the case.

4 MR. GAYLOR: It's not.

5 THE COURT: Mr. -- I heard Chief -- okay.

6 MR. CHENG: I think as we continue with this week's  
7 inspection, that's one of the things we're going to try to  
8 find out is why people are leaving and what is causing so much  
9 turnover. But I think the history of this case indicates  
10 there's a tendency by the County to sort of nominally comply  
11 with the provisions of the agreement. They hire someone, they  
12 fill a slot, and they report to the Court they've done it.  
13 Sometimes they do it, like, right before a hearing.

14 MR. GAYLOR: No.

15 MR. CHENG: But what they haven't done is -- well, I  
16 realize they may disagree with that. But what they haven't  
17 done is sort of do exactly what they're required to do by the  
18 stipulated order. They haven't advertised and advertised for  
19 exactly the person they're supposed to hire and then get the  
20 people certified who are supposed to be certified.

21 Now, we understand maybe it's difficult to find people  
22 who are qualified, maybe they had difficulties finding a  
23 psychologist. We have worked with them to try to modify the  
24 qualifications for some of these positions so they could  
25 eventually fill those positions, but at a certain point one



1 has to ask, you know, is there a problem with they're just not  
2 paying enough? I mean, there were some concerns early on that  
3 the reason they couldn't get a psychologist is they just  
4 didn't want to pay for a psychologist. So we modified the  
5 requirement to allow them to use a different type of  
6 credentialed professional to do it.

7 When they finally brought in that person, you know, how  
8 much empowerment did they give to that person? You know,  
9 how -- how much authority did they really let them have to run  
10 the program?

11 I will say that because this type of issue is kind of  
12 complicated, thus our segue into sort of the second big  
13 category issue. You know, we understand sometimes even if you  
14 get the great person, they just leave, all right? We think  
15 it's strange that they keep losing critical people all across  
16 the board, you know, wardens and captains and executive  
17 directors and program directors. We suspect that's partly  
18 because there are bigger political issues going on in the  
19 County. Something else is going on with the leadership.

20 But leaving that aside, the second big issue is where  
21 is the planning, right? Even if somebody leaves, if you  
22 really had a system in place, when that person leaves, there  
23 are policies and procedures or something in the works that can  
24 be continued by the next person, and so you don't depend  
25 heavily on filling the post; you depend on having a plan for

1 moving ahead.

2 And so the second big area is that there seems to be a  
3 lack of planning by the county leadership, and that is  
4 therefore causing some stress or problem for the facility and  
5 for the staff.

6 To illustrate that a little more clearly, let's talk  
7 about, like, for example, the maintenance issue. A-Pod having  
8 to be retrofitted is not a surprise. That was built into the  
9 stipulated order. Everyone understood when C-Pod was opened,  
10 A-Pod would continue in place. They had a plan for how to do  
11 that. They brought in outside architects and contractors to  
12 make repairs. Our understanding is that all those contractors  
13 are now in place, they're submitting work orders, and the  
14 whole work order system has broken down at the county level.

15 There used to be a system where everything went to  
16 county administrator; she would decide if things would be paid  
17 for and handled by the contractors or should instead be  
18 handled by county maintenance. When the county administrator  
19 left, that process disappeared. We don't know what happened  
20 to it. We're going to have to find out. But if there was any  
21 planning up front, they should have known that something like  
22 that could happen. That process should have continued with  
23 the next county administrator. And to be frank, Your Honor,  
24 we flagged this issue with the County when we heard the county  
25 administrator was leaving.

1           THE COURT: Well, I think you're being generous when  
2     you say "leaving" and "left." From what I've seen in the  
3     newspaper and seen on the news, I said, there was no sort of  
4     leaving and left. She was fired. She was terminated. And  
5     I'm not taking sides on it at all because we know the Board of  
6     Supervisors can do what it wishes to do, but I do think you  
7     are being generous when you say that the previous county  
8     administrator left.

9           MR. CHENG: Well, Your Honor, there are times when I  
10    really don't want to get too much into the politics of what's  
11    going on in Hinds County. My focus is primarily on are they  
12    in compliance with the order. I only felt like I had to go  
13    into it here because it directly impacted implementation of  
14    the agreement. So if they don't have a plan, though, when  
15    they know they're going to fire their county administrator,  
16    then nobody should be surprised that they're out of compliance  
17    with the maintenance when they don't have anything in place to  
18    take over.

19           I wish some of the other issues were surprises, but  
20    they're not. The JCA issue has been brewing for some time.  
21    We're well aware that the youth court judge, for example, has  
22    had some concerns about the number of JCAs, which is why the  
23    stipulated order said they had to have programming, they had  
24    to bring in a program director. They had have to some effort  
25    to address the mental health services, they had to upgrade the

1 training, they had to do more -- they had to do more to expand  
2 those services so that it would go from being a short-term  
3 detention facility for basically runaways and other lower-risk  
4 youth to being a more long-term facility with JCAs who have  
5 more challenging issues. But, again, where's the plan for  
6 that, right? There -- there were some efforts to meet the  
7 terms of the stipulated order. They brought in a few people,  
8 and then nothing. And, you know, despite efforts I think by  
9 the monitor to get more information about what they were up to  
10 or how they were going to implement programs, tour after tour  
11 occurs and we never see anything.

12 Again, talking about planning, let me just go back to  
13 pretrial services as another illustration. They talk about  
14 bringing in a pretrial services nonprofit to help them develop  
15 assessment forms and a program. We've been talking about  
16 pretrial services since last year, and this was supposed to  
17 have been done early on. The pretrial service proposal they  
18 submitted I think came in last week, and it's not because DOJ  
19 and the monitor haven't been asking about it. It's just  
20 something that got done at the last minute. And as far as we  
21 know, nobody's acted on it.

22 So just like the maintenance requests, the treatment  
23 programs, the pretrial services, things happen. They happen  
24 right before the hearing, they happen right before a tour, but  
25 there's no indication that anyone at the leadership level has

1 a big-picture strategic plan on how they're going to implement  
2 even the basic requirements of the stipulated order so that  
3 they can then get ahead of all these other problems.

4 When you don't have key leadership in place and you  
5 don't really have a plan at the top levels and you're not  
6 really engaged at the highest levels, when a disaster occurs  
7 or something bad happens, no one's ready for it. You know,  
8 maybe it's the pandemic. Maybe it's a physical plant issue at  
9 Jackson which causes them to have to watch everybody and move  
10 them to another facility. Maybe it's the loss of the program  
11 director or the executive director.

12 Things like that are going to happen over the course of  
13 any endeavor this complicated. The key is that a good,  
14 well-run system has some resilience and is able to deal with  
15 it because they've been building up the leadership expertise,  
16 they value stability in their leadership, and they have a plan  
17 for where they're going to go for implementing all these  
18 provisions. And I think when those two big pieces of the  
19 stipulated order are missing, it's just going to be very, very  
20 hard to make progress for the settlement agreement.

21 I think that in a nutshell is our view on this, Your  
22 Honor.

23 THE COURT: And I guess it's the DOJ's overarching  
24 principle this stipulated order is exactly what it is: The  
25 parties agreed to these terms, every one of these terms. The

1 parties worked out this about a year ago to resolve the DOJ's  
2 motion for contempt, as I recall; is that right?

3 MR. CHENG: Yes, Your Honor.

4 THE COURT: And so every one of these things, the  
5 parties agreed that this would -- that they could do it and  
6 that there would be -- and this is how they would resolve the  
7 motion for contempt that the Court was prepared to hear. And  
8 I guess, Mr. Cheng, DOJ is now considering at what point in  
9 time does it try to resurrect its motion for contempt or find  
10 a new one. Is that what I'm hearing?

11 MR. CHENG: I think that is something we were  
12 definitely going to have to think about after this tour. You  
13 know, to be honest, Your Honor, they already had their chance.  
14 They technically -- when they entered the stipulated order as  
15 to avert contempt, they're already on thin ice with the  
16 Department as it is.

17 We have tried to be creative and patient about the  
18 County's interim efforts, right. Like, if they can't comply  
19 with the settlement agreement, we understand -- if they can't  
20 comply with the stipulated order, we have less understanding,  
21 but nonetheless if they can come up with a good proposal or a  
22 good plan or really have something in place, you know, we  
23 might not need to file for contempt.

24 Our concern is there's nothing really like that, as far  
25 as we can tell. Like, there really isn't an effort to satisfy

1 the Department's concerns or the monitor's concerns on some of  
2 these big issues. It's often sort of a void from the County.  
3 We just don't hear very much at all and then something gets  
4 done and it's not particularly effective and then we do a site  
5 visit and find out things really aren't doing well at all.

6 THE COURT: Okay. Thank you, Mr. Cheng.

7 I guess I'll turn it to the County and/or the sheriff.

8 MR. GAYLOR: Yes, Your Honor. This is Tony Gaylor.

9 I'm not sure which portion of the argument you want to  
10 hear -- or response you want to hear first.

11 THE COURT: Well, I guess one of the things that  
12 concerns me here is this whole situation with Pod C and --  
13 well, Pod B not being used; A being used temporarily; and from  
14 all indications, A should not be used at all. No -- no  
15 doors -- inability to lock the doors, if that's true; if  
16 there's leaking in the roof; if the lights are out or -- it  
17 just seems to me that you're endangering the inmates.

18 So if there -- and what I've heard is that there's this  
19 whole work order problem -- or at least there is a work order  
20 problem, and I don't know if work is not being done because  
21 people are not being paid or if work is not being done because  
22 we don't know who's supposed to do the work. So I guess  
23 that's a place to start.

24 How long will those inmates be in Pod A? Because  
25 there's never an understanding or an intention that Pod A

1 would even be used, from what I've heard today, and if I'm  
2 wrong on -- I don't want to leave here under the wrong  
3 impression on anything, so if I'm wrong on that, let me know.

4 MR. GAYLOR: With regard to the repairs -- and,  
5 Attorney Barker, you can chime in when you feel necessary --  
6 we retained a construction manager, an expert, to oversee the  
7 repairs that were done to Pod C, Pod B as well. There was not  
8 the intention that Pod A would be in this use for this period  
9 of time, but we -- it is taking us a little bit longer to get  
10 Pod B repaired. Pod C has obviously come back online. We've  
11 got to figure out a way to make the repairs to Pod B as fast  
12 as possible.

13 THE COURT: When you say "as fast as possible," is  
14 there a targeted date at which you expect Pod B to be  
15 operable?

16 MR. GAYLOR: Board President Supervisor Calhoun would  
17 like to address that as well.

18 MR. CALHOUN: Thank you, Your Honor.

19 I'm sure that, according to the contractor, they would  
20 be through with the doors on Pod B within a month or a month  
21 and a half. And according to my contractor that's been  
22 overseeing the progress on not only the doors but also the  
23 repairs to Pod B, we think that's going to be -- come about a  
24 month after that.

25 THE COURT: How long have these repairs for Pod B been



1 going on?

2 MR. CALHOUN: Since -- since they finished with the  
3 Pod C. And then -- they're utilizing Pod C now.

4 THE COURT: Okay. And when was that? I'm just trying  
5 to see how long -- okay. C-Pod -- was C-Pod completed back in  
6 May?

7 MR. CALHOUN: I don't think it was quite through --

8 MR. GAYLOR: No.

9 MR. CALHOUN: -- at that time.

10 MR. GAYLOR: It was the fall.

11 THE COURT: Well, was Pod C repaired on a time schedule  
12 that the County thought it would be repaired, or was there  
13 some delay in repairing Pod C? Because as I recall, when we  
14 were back here, again going back as far as -- when we were  
15 back here last January, there was some indication that the  
16 people from Texas would be in to finish up the locks on the  
17 doors by the spring, I think. Now, I could be wrong, because  
18 I am going off the top of my head.

19 So -- but did Pod C get fully repaired under the  
20 timeline that the County thought it would be or contracted for  
21 it to be?

22 MR. GAYLOR: Your Honor, I don't believe any repairs  
23 are made absolutely in the timeframe or by the deadlines we  
24 proposed them to be in this past year, because we have been  
25 dealing with some extenuating circumstances. You know, we

1 don't actually -- we're not operating in -- as if everything  
2 is normal, so it does take -- it has been taking a little bit  
3 longer to make the repairs that we thought needed to be made.  
4 And then there's times when the construction people go into a  
5 system and thinking that something needs to be done and more  
6 work needs to be done. So it's typical construction type of  
7 delays on top of a pandemic.

8 THE COURT: On top of what, sir?

9 MR. CALHOUN: On top of COVID-19. COVID-19 has slowed  
10 us up quite a bit, and it's not only with work but also with  
11 funds to do the work.

12 THE COURT: So is it -- so, again, is there -- I think,  
13 then, I heard from you, Mr. Calhoun, I think you said that you  
14 expect Pod B, did I hear you correctly, in about 60 days?

15 MR. CALHOUN: Yes, sir. And that should be well within  
16 the range that they told me that it would -- I'm talking about  
17 the doors now. The doors should be ready in 60 days, and  
18 30 days after that we should have -- be ready to go on line  
19 with Pod B.

20 THE COURT: The 60 days for the doors, the doors are  
21 being done by this outfit -- this specialty outfit out of  
22 Texas?

23 MR. CALHOUN: Yes, sir. And the other work is done by  
24 our folk or other contractors. Mr. Marsh is over that. And  
25 what we're talking about is Benchmark Construction was, I

1 think, okayed by the Court.

2 MR. GAYLOR: So, Your Honor, let me add also, in the  
3 midst of all of this, yes, some of the representations that  
4 have been made with regard to the maintenance department has  
5 certainly been accurate in the sense that a transition had to  
6 have been made, and as that transition has taken place, a lot  
7 of things have been discovered that were certainly less than  
8 optimum. So we do have some additional delays associated with  
9 the maintenance department not being completely up to speed.  
10 But since that time, we've also hired a full time -- a new  
11 full-time maintenance director, who has pledged his efforts to  
12 make sure that we can get back online with some of these  
13 matters as well.

14 THE COURT: But until we get Pod B back online, those  
15 prisoners in Pod A are at risk because they are in an  
16 ill-equipped jail or pod. So every day they're at extra risk  
17 for whatever. You can't see what's going on in there because  
18 the lights don't work.

19 MR. GAYLOR: Well, Your Honor, now that the  
20 representation has been made, we've got to get the repairs  
21 done, Your Honor. But oftentimes -- some of these matters  
22 were not completely budgeted for because they're coming in at  
23 higher estimates than was given to us initially months ago,  
24 and so we have to make presentations back to the board  
25 repeatedly for change orders and budget amendments to try and

1 pay for these matters.

2 Quite frankly, it's going to be a bit of a haphazard  
3 process because we don't have all of the funds budgeted. We  
4 have the funds budgeted, but the estimates have come in a lot  
5 higher than the budget. So we've got to find money to get all  
6 of the rest of these repairs paid for, and that's a challenge.

7 THE COURT: I hear you. I understand it's a challenge,  
8 but --

9 MR. GAYLOR: It's certainly not a challenge that we  
10 aren't willing to or trying to meet, Your Honor. We are  
11 having the meetings. The assessments are being done. The  
12 estimates are coming in higher than they were supposed to be.  
13 But we're making repairs and progress in spite of that. It's  
14 not happening as fast as we would like for it to.

15 THE COURT: Okay. Do you wish to address any of the  
16 other concerns that have been pointed out by the monitor  
17 and/or the Government?

18 MR. GAYLOR: I'm going to let the -- I'm going to defer  
19 to the sheriff's department on policies, procedures, and other  
20 matters associated with the detention centers.

21 THE COURT: Ms. Barker.

22 MS. BARKER: Good afternoon, Your Honor.

23 I have a couple -- I'll try to respond as succinctly as  
24 possible to the DOJ and to the monitor's concerns.

25 First of all with staffing, yes, staffing has been a

1 problem, and it has continued to be a problem, especially  
2 within this last year given the challenges that we face with  
3 COVID. It's been a little bit difficult to hire people who  
4 want to come and work in a detention center, in a closed  
5 setting. However, we have been hiring quite a few people.

6 The Department of Justice stated that we failed to  
7 retain a retention consultant, which is simply not true. He  
8 was retained, and he is getting paid from the monitor's  
9 budget. We retained him in January of 2020. He came and made  
10 one initial site visit prior to COVID.

11 And -- however, what I will admit to is that the  
12 recruit -- I mean, the recruit and retention expert officer  
13 that we hired, we recently realized that the job is a little  
14 too big for his skill set and we need someone with a lot more  
15 experience in this issue. Because we can hire, but it is a  
16 problem keeping detention officers. And the sheriff and our  
17 staff have recognized that, and we are trying to address that  
18 problem.

19 Now, we have -- I'm sorry. I'm hearing a little bit of  
20 feedback. I don't know if that's something on my computer or  
21 not. Do y'all hear feedback?

22 THE COURT: I hear you fine.

23 MS. BARKER: Okay. I just wanted to make sure.

24 We have advertised publicly and also as well as inside  
25 for a recruit and retention expert, and we are going to

1     require some level of experience, a college graduate is -- or  
2     a college degree is also one of the qualifications. And once  
3     that person gets on board, we will be working very closely  
4     with Matt Rivera. That has been kind of an issue in the past,  
5     and I do know that the fact that Matt can't be here on-site  
6     and talk to some of the employees and kind of gather a feel  
7     for the overall, I guess, work space here has kind of been a  
8     problem. But we do recognize that that is an issue,  
9     especially with retention, and we are working on that.

10           Let's see. I'm trying to address this in the way that  
11     the Court...

12           As far as policies and procedures go, Your Honor, I  
13     share your sentiments as far as why it's taking so long to get  
14     words on a page. I believe that Monitor Simpson alluded to  
15     the fact that Karen Albert has been very helpful, although her  
16     approach in drafting these policies I think has proved to be  
17     something of -- it's a longer process, and in the last couple  
18     of months, I've reached out to Ms. Albert and Monitor Simpson  
19     and we've discussed -- and I was just very candid with  
20     Ms. Albert that, number one, we don't have the staff to take  
21     away and to do a seven hour -- you know, she would come in and  
22     do an entire week worth of policy drafting. We don't have the  
23     staff to take away a week from their job to do that.

24           Secondly, the staff that we have, unfortunately, just  
25     does not have that skill set. And it was coming -- it was

1 starting to be a burdensome process in that it was really  
2 having an effect on the morale of our employees. So what we  
3 have done is identified two people, Captain Johnson and the  
4 assistant to the jail administrator, Melody Clayton, who are  
5 in charge of keeping up with the policies and procedures,  
6 helping draft those.

7 So rather than have a big group and a lot of time taken  
8 to dedicate to one policy, we have tried to streamline that.  
9 And since that has been done, policies have been coming out a  
10 lot quicker. I do -- I realize that having 25 policies when  
11 we're supposed to have perhaps 70 or 60 is a problem, but I --  
12 we have identified that, and we're working to streamline that  
13 process.

14 Let's see. As far as training and implementing those  
15 policies, that is another area in which we are trying to  
16 address as well and get stronger, and we do need to do more  
17 training. It has been difficult, though, with the turnover  
18 that we have had, so -- and also with COVID, it's difficult to  
19 get everyone together in one training class. We're trying to  
20 implement these policies by training during roll call. So  
21 that is something that we are very -- we realize that we have  
22 to work on.

23 Something that -- actually, speaking of staffing, we've  
24 actually had a net gain in staffing. Since January of 2020 to  
25 date, we've hired a total of 115 and we've lost 67. So we

1 actually had a net gain of about 58 as far as staffing goes,  
2 and I think that that's something that is -- should be  
3 commendable given the fact that we are in a pandemic and we  
4 are -- this is a detention -- this is a jail that not  
5 necessarily a lot of people want to come work in for the pay  
6 especially.

7 As far as incidents go, we've also had a decreased  
8 number of incidences from last year. The total number of  
9 detainees has gone down by 19 percent, and the -- we've  
10 decreased detainee escape by about 86 percent from last  
11 year -- I mean, I'm sorry, from 2019. There has been a  
12 decreased inmate-on-inmate assault by 34 percent, and there's  
13 also been a decreased inmate-on-detention-officer assault by  
14 16 percent. And overall the decreased use of force has gone  
15 down by 39 percent. And that was taken from just the number  
16 of incident reports that were recorded in 2019 and also with  
17 2020 and compared those.

18 So I think that there are some issues that we  
19 definitely need to tackle, that we are very aware of. We are  
20 in the process of tackling those. However, overall, from what  
21 the sheriff's office can control, I believe that we have done  
22 pretty good under the circumstances.

23 THE COURT: Let me ask you about what the sheriff's  
24 office can control. Ms. Simpson mentioned that there were  
25 several indications of the use of -- I think Mr. Parrish



1 also -- the use of OC spray inappropriately, but nobody -- I  
2 think -- I think I heard this right. There's no indication  
3 that anyone has been disciplined in any way for violating that  
4 rule.

5           You certainly have total control over discipline, and  
6 I'm just trying to figure out how does that happen? If there  
7 is this violation that they say that has occurred that they  
8 say is reflected in the incident reports and that everybody's  
9 cleared at every instance, how can that be explained?

10           MS. BARKER: Your Honor, I understand it looks like  
11 there's a systemwide failure based on what the monitors have  
12 said and the fact that no one has been disciplined. The only  
13 thing that I can chalk that up to -- our defense is that we  
14 simply just need more training. It's very difficult to change  
15 the culture of the environment that's been -- that's done  
16 something a certain way for so many years. Even if we do have  
17 new people that come in, there's still some --

18           THE COURT: I think -- hold on. Hold on, Ms. Barker.  
19 I don't think it's that difficult. I mean, I really don't.  
20 But even if it is, with the rate of turnover that you-all say  
21 that you had, at least in the past, very few of these people  
22 are part of that culture from years ago, because they're no  
23 longer there, and I know they've trained the people who are  
24 there, but what I've been hearing over the last couple of  
25 years, there's a lot of turnover, you can't find people.

1           But when the rules are violated and management has an  
2           opportunity to do something about -- and management has  
3           changed over the last two years. New management came on board  
4           in January 2000 -- 2020, excuse me. So management has  
5           changed. But that -- and you tell me that there are still  
6           issues with people using OC in an offensive way, and they  
7           shouldn't be.

8           MR. BARKER: Your Honor, the sheriff would like to  
9           address the Court, if that's okay.

10          THE COURT: Okay.

11          SHERIFF VANCE: Good afternoon, Your Honor.

12          THE COURT: Goof afternoon.

13          SHERIFF VANCE: As far as the disciplinary issues that  
14          we're discussing right now, I don't know exactly where -- if I  
15          would agree that no one has been disciplined. I can think of  
16          one case in particular myself where we had pictures of a  
17          detention officer actually using OC spray against a detainee  
18          that I knew myself and I decided myself was inappropriate, and  
19          I know for a fact that particular detention officer was  
20          disciplined. So I would question that -- respectfully, that  
21          nobody has been disciplined. I don't have the exact numbers  
22          at my fingertips.

23                 I would also add that dealing with disruptive,  
24          combative detainees is a challenge, for -- especially when you  
25          have staff shortages where perhaps you have one detention

1 officer have to confront individuals that will not take simple  
2 instruction, like going back into their cells. I think that  
3 training is definitely a part of the solution for that  
4 problem.

5 That particular thing is also challenged by the fact  
6 that, as counsel stated, we've hired over a hundred people in  
7 the last year, but we've lost about 60 people. So there's a  
8 constant need for maturation for detention officers, for  
9 training for detention officers, because we still -- even  
10 though we've turned it over quite a bit trying to reach our  
11 required number, people who come into a facility like that,  
12 they're going to constantly have to be trained. They will not  
13 necessarily respond the same way a more seasoned detention  
14 officer would. But we're losing a lot of our people that do  
15 have that seasoning, and we're going to have to bring up  
16 through training the new people that we're hiring. So I would  
17 suggest that it's a process that we're trying to adhere to.

18 THE COURT: Thank you, Sheriff Vance.

19 SHERIFF VANCE: Yes, sir.

20 THE COURT: Ms. Barker, I know I cut across you. You  
21 were saying some other things.

22 MS. BARKER: I think that the sheriff pretty much  
23 touched on all the issues as far as trying to discipline our  
24 own. You know, he's correct, we have fired and disciplined a  
25 lot of officers for use of force, so there might have been one

1 or two that maybe IAD for whatever reason found that it was  
2 acceptable, but I think that the statement that we haven't  
3 done anything is a misstatement.

4 THE COURT: I assume the records will speak for  
5 themselves, then. So once we see the records, we'll go from  
6 there, to the extent it becomes an issue.

7 I guess with respect to a plan going forward, we've --  
8 I've heard a lot today.

9 MR. GAYLOR: Your Honor?

10 THE COURT: Yes.

11 MR. GAYLOR: If I may add also, with regard to the  
12 matters that are taking place at Henley-Young, if I may remind  
13 the Court we're also under another consent decree with regard  
14 to that facility, and one of the things that has taken place  
15 with that facility, we've been working with the monitor that  
16 is in place over that facility, Ms. Anne Nelson, trying to  
17 comply with the stipulated order in place on that facility,  
18 and it -- as you noted, we have hired a treatment director, a  
19 training director, and an executive director.

20 We do have some turnover problems with regard to that,  
21 and we talked with the treatment director as to why she was  
22 leaving her post, and one of the things that was mentioned to  
23 us is that, quite frankly, right now as a result of -- as a  
24 result of the pandemic, the economy for licensed clinical  
25 social workers and licensed clinical psychologists has changed

1 in the sense that they can make as much, if not more, money  
2 treating patients via Zoom rather than being on-site at a  
3 facility all day. And so we've had some challenges trying to  
4 hire a licensed clinical social worker to fill that treatment  
5 director's spot, although we are encouraged that the training  
6 director has been doing some decent work.

7 The interim executive director is someone who has been  
8 at the facility for some time, and so there's no unfamiliarity  
9 with the issues that are taking place down there, and we're  
10 trying to get them addressed through him.

11 We anticipate hiring an executive director, a  
12 permanent -- a more permanent executive director, as soon as  
13 more qualified applicants make themselves available, but we're  
14 not exactly sure when that will be completed.

15 With regard to educational services, I have to push  
16 back on the representation being made that no -- or that  
17 educational services aren't being offered. I think we should  
18 also be mindful of the fact that no in-person education took  
19 place within the district over nine months, and so, you know,  
20 with regard to any child in that school district, in or out of  
21 the facility, they are receiving their educational through --  
22 whether it's through work packets or even through some  
23 distance learning. All of the residents received tablets from  
24 the school district so that that could be implemented as well,  
25 but --

1           THE COURT: Was it implemented? I mean, if people  
2           couldn't come in and teach them like they used to do during  
3           this pandemic, were they -- were the students receiving the  
4           education that they needed and that -- the education that was  
5           available to everybody else? I mean, did they receive that  
6           education?

7           MR. GAYLOR: They received tablets for the students  
8           outside of the facility. Now, with regard to there being many  
9           disruptions that have taken place over that period of time, we  
10          certainly can't argue that there haven't been disruptions.  
11          There have been disruptions with regard to incidents that have  
12          taken place between residents. There have been disruptions  
13          with regard to technology, disruptions with regard to the  
14          water system, and a lot of different things that have taken  
15          place to disrupt learning over the course of the last year.  
16          However, we cannot say that we have not been making good faith  
17          attempts to educate the students that are down there, because  
18          we have.

19          We do have some staffing shortages down there because  
20          the turnover, and so there are times in which we have to make  
21          some adjustments with regard to whether or not in-person  
22          learning can take place. We cannot say that, you know, that  
23          has not -- that has been optimum, but we have been making good  
24          faith attempts.

25          THE COURT: What level of education had the children

1    been receiving? I mean, that's the ultimate question. I  
2    understand there's been disruptions, and I understand you say  
3    the County -- that they're doing everything that they can  
4    possibly do. Were these kids getting any type of education?  
5    Was it once a week, was it one hour a day every day during the  
6    week? Was it five days a week? I mean, did they -- have they  
7    been taught anything since the pandemic?

8           MR. GAYLOR: Absolutely, Your Honor. And in fact,  
9    in-person learning was taking place at Henley-Young before  
10   in-person learning took place within the system at all. So,  
11   yes, learning has been taking place and teaching has been  
12   taking place, but I'm not going to make the representation  
13   that no disruptions have taken place over the course of the  
14   last year. Of course they have. But they have been going to  
15   school. They have been receiving assignments. They have been  
16   taught. But, you know, those aren't the best of circumstances  
17   down there in many instances. We won't dispute that. There's  
18   a principal on-site, and there's teachers that come every day.

19           THE COURT: Let me -- Ms. Barker, let me ask you this  
20   question, because I don't think this has been addressed by  
21   anybody on your side of the table; that is, the County, and I  
22   think this is in the hands of the sheriff, so that's why I'm  
23   asking you about this administrative segregation -- the  
24   administrative segregation issue that the monitors have  
25   pointed out, persons being placed in administrative

1 segregation for extended period of time.

2 MS. BARKER: Yes.

3 THE COURT: Do you agree that is happening?

4 MS. BARKER: Well, Your Honor, they are placed in  
5 administrative segregation for violent crimes, and their cases  
6 are reviewed weekly to see if they should stay there or not.

7 THE COURT: For violent crimes that occur within the  
8 institution?

9 MS. BARKER: Yes, Your Honor. And in very extreme  
10 circumstances, if they're a danger to other inmates or a  
11 danger to our staff and continued disciplinary issue.

12 THE COURT: The monitor seems to suggest that there's  
13 either several of them or that they stay in there for extended  
14 period of times without -- I guess without an attempt to  
15 return to the regular population.

16 I don't need to speak for you, Ms. Simpson or  
17 Mr. Parrish. You know, again, please make sure I'm saying the  
18 right thing.

19 MS. BARKER: Your Honor, I'm sorry. I was getting  
20 information from our jail administrator.

21 At any given time, from what I understand, we have  
22 between about four to ten inmates in the administrative  
23 segregation, and their cases are reviewed, from what I  
24 understand, weekly to see if they are safe enough to be placed  
25 back in general population.



1 MS. SIMPSON: Your Honor, I was just trying to find the  
2 segregation report in the documents that have been uploaded,  
3 and I'm not finding it quickly. My understanding is there's  
4 significantly more people in administrative segregation than  
5 four to ten. That might be disciplinary segregation, but the  
6 administrative segregation is typically much higher. But I  
7 will try to find that report.

8 And, Dave Parrish, I don't know if you have that --  
9 better handle on that number off the top of your head, the  
10 number of people in administrative segregation.

11 MR. PARRISH: No, I don't have current figures right at  
12 hand. I'm sorry.

13 MS. SIMPSON: I can try to get that to you, Your Honor.

14 THE COURT: Okay. Well, I guess the bottom line --  
15 well, no. Let me ask since I do have -- and I appreciate the  
16 DA -- Mr. District Attorney for getting here, and I do know  
17 that the DA had a press conference about two weeks ago, I  
18 guess, talking about the first year of his tenure.

19 I only saw and read the little bit that I saw and read,  
20 Mr. Owens. I did not attend the press conference, so I didn't  
21 hear everything or I did not read all that you said, but I got  
22 the impression that the State is -- or at least indicting not  
23 necessarily more people but at least the process is now  
24 moving, you're getting more and that way -- you're processing  
25 cases now, and in that regard the next step would be trying to

1 get those matters resolved through guilty plea or some going  
2 to trial. Is there anything you wish to tell the Court?

3 MR. OWENS: Good afternoon, Your Honor.

4 I think the Court properly summarized one of the things  
5 that we expressed in our year in review. I'd say that in  
6 2020, in January, we had two backlogs both equally affecting  
7 the consent decree and the Hinds County Jail, independent of  
8 COVID and those challenges.

9 One backlog was just hundreds of indictments that we  
10 found in rooms that we were not meeting the Mississippi  
11 Supreme Court constitutional rights of defendants in ensuring  
12 that we indict individuals who had been arrested within  
13 90 days, and because of that, you had this huge backlog where  
14 people were coming in and out that created complete  
15 dysfunction in the jail and also inhibited our ability to  
16 prosecute cases. And 90 days is generally the best practices  
17 nationwide, as I understand it, Your Honor, from arrest to  
18 indictment, which includes a thorough investigation. We have  
19 met that hurdle. We conquered that. We are indicting all  
20 cases in 90 days.

21 But because of the other backlog, which is our  
22 inability to prosecute cases, which are the best national  
23 standards, which is a year's time from arrest to adjudication  
24 of the case, in this county, Your Honor, we're closer to two  
25 and a half and sometimes three years for a myriad of factors.

1 That's our challenge right now. That's certainly impacting  
2 the jail population and the larger population of JACs  
3 independent of the new challenges that were presented because  
4 of COVID.

5 I would highlight something the Court said I guess  
6 about an hour ago. We had a jury trial set yesterday which we  
7 needed 48 jurors to select a jury from. We only had 26 people  
8 show up. That's occurred at least 12 to 14 times over the  
9 last year, Your Honor, where we just could not move forward.

10 And one of the reasons that's really impactful, Your  
11 Honor, is not just because of those 12 or so triers, but our  
12 inability to have trials means defendants, particularly the  
13 most violent population that's in the jail that, as I  
14 understand it, is wreaking the most problems, we're giving  
15 them serious time, Your Honor. I mean, if you take a life in  
16 our county, it's a minimum 30 years, if not life, or 40 years.  
17 There's no incentive to plea, and that's something that we  
18 can't get around right now.

19 I will tell the Court, I want you to know that both the  
20 sheriff and the Board of Supervisors are meeting regularly  
21 with this. I am getting a weekly and monthly list of  
22 individuals at the jail. Where we can not violate public  
23 safety and reduce bonds or use the least restrictive means, we  
24 do so, and we've been pretty successful in that, particularly  
25 at the height of COVID. But because the City of Jackson and

1 our county had almost 140 murders last year and this year we  
2 already are at 17, I believe -- we had four last weekend -- we  
3 are in an untenable situation of being able to deal with that  
4 level of crime.

5 We are proposing some pretty significant solutions.  
6 I'm going to meet with the board next week as well as the City  
7 of Jackson, which I think is a significant part of this  
8 conversation, too, because the City --

9 THE COURT: Oh, we lost everybody. It's something that  
10 happened with us, I think.

11 (A brief recess was taken.)

12 MR. OWENS: And, Your Honor, if I could add one more  
13 thing, I'm not sure --

14 THE COURT: Hold on. Hold on, Mr. -- did everybody  
15 hear Mr. Owens that entire period? Because the Court -- we've  
16 been off. The Court has been off, so I haven't -- I think,  
17 Mr. Owens, the last thing that I heard from you was that,  
18 Judge, we have a solution -- or I'm presenting a solution to  
19 the Board of Supervisors and -- I guess, and the sheriff, and  
20 I guess you might have said JPD. I don't know. But I'm  
21 presenting -- I have something that I'm presenting to them  
22 because we've had all of these murders here in Hinds County  
23 last year and even the four who were homicides last week, and  
24 then it went out on this end, and I know that's been about  
25 three minutes ago and you said a lot. But if you will, at

1     least try to bring me up to speed.

2             MR. OWENS: Yes, Your Honor, and add one more thing to  
3     that. I think that was most of it frankly, Your Honor. You  
4     know, we're not staffing all the courts in Hinds County.  
5     We're not staffing the city courts. The District Attorney's  
6     Office is not. It's only the Public Defender's Office. We  
7     have to kind of stop the flow of traffic in the jail. I think  
8     there are a lot of people going to the jail we can keep from  
9     going to the jail. That's one of the initiatives that we're  
10    trying to enroll currently.

11            But the JACs, which I understand is a big concern on  
12    this call, Your Honor, those individuals who are at  
13    Henley-Young who are charged as adults, their case time is the  
14    same case time as every individual who's charged in Hinds  
15    County. I know it might seem like that those cases are  
16    delayed, but it's the same case time. We're seeing them come  
17    up. I think both Judge McDaniels and Judge Hicks, and  
18    certainly Judge Green with her diversion program, have  
19    advocated that we make sure we're not forgetting about those  
20    individuals, but it's not that they're being forgotten. We're  
21    recognizing those on the jail list that are provided to the  
22    District Attorney's Office, and we're making sure we  
23    prioritize those cases as well.

24            THE COURT: Are there any -- and the sheriff would know  
25    this. Are there any persons who would ordinarily be in state

1 custody being housed currently in Hinds County? Are there any  
2 MDOC defendants there still? I know at one time there was,  
3 and I know there was an effort to make sure that MDOC came and  
4 retrieved their folk.

5 MS. BARKER: Right now I'm being told that we have 31  
6 individuals and that 18 individuals are ready to go to MDOC  
7 and the remaining are here for court orders. So we will work  
8 with MDOC to come and pick up those inmates. It hasn't --  
9 it's been a process to get them to come pick up the inmates,  
10 but I know that our classifications officer reaches out to  
11 them -- I don't know if its weekly or monthly, but, yeah, we  
12 do need to get those out of the system. Weekly, I'm being  
13 told.

14 THE COURT: That returns us to Mr. -- I'm sorry,  
15 Mr. Owens. Were you through?

16 MR. OWENS: Yes, Your Honor, unless the Court has any  
17 specific questions to what we're doing or instruction to how  
18 we might do what we're doing better.

19 THE COURT: Okay. Well, I mean, that basically gets us  
20 back to the starting point of Mr. Cheng's probing issue, I  
21 guess. The -- there's still -- there's still not full or  
22 substantial or in some cases no compliance with various terms  
23 of the stipulated order. And I can't underscore the word  
24 "stipulated" enough because this was the promises that the  
25 parties made that they could hold up. It's just like any

1 other contract, settlement agreement. It's like any other  
2 thing. You do this, I promise to do that, you get this.

3 So I -- you know, how do the parties anticipate -- I  
4 mean, this is -- again, I picked up this matter in January of  
5 2019. I believe that was my first hearing with the parties.  
6 And I regret to say that, you know, we're still dealing with  
7 some issues that came up that were apparent when I inherited  
8 this matter.

9 Is there any point in time that the County wishes to be  
10 out from up under a consent decree that's monitored by a  
11 court? I mean, that's what it's going to boil down to.

12 At some point in time -- you know, the County's you  
13 know, paying money for monitors; the County is doing -- you  
14 know, doing other things. At some point in time, I assume the  
15 County's not -- does not wish to be up under a court order to  
16 do the things that it's supposed to do. So I guess when does  
17 the County want that to happen?

18 MR. GAYLOR: Your Honor, if I may attempt to answer  
19 some of that, without question the County does not wish to  
20 continue to be under a consent decree order for a prolonged  
21 period of time, but I must say that, you know, with regard to  
22 certain matters, there are certainly attempts that are being  
23 made to come out from under the stipulated order or comply  
24 with the stipulated order, and then there are times when  
25 things happen that become setbacks. We hire people.

1 Sometimes they leave. You know, I would like to know if -- or  
2 to what level some type of grace is given to the County for  
3 its attempts to comply and when we make hires and then those  
4 people leave.

5           There are times when maintenance issues are resolved  
6 and then those matters get broken. When you talk about  
7 cameras that are being installed, well, sometimes those  
8 cameras get broken as a result of (AUDIO GAP). Doors get  
9 repaired, but sometimes those doors get broken and jimmied  
10 open again, and then those repairs have to be made again. And  
11 so I'm hoping that some level of assistance can be given to  
12 the County with regard to attempts to comply with the orders,  
13 because things do intervene at times, and certainly this year  
14 has been a very, very challenging year.

15           What hasn't been brought up over the course of this  
16 call -- or status conference is the fact that we have -- we  
17 lose personnel from time to time as a result of the diagnosis  
18 of COVID. We've lost employees for weeks at a time on  
19 multiple occasions, and so that has also presented a challenge  
20 in the continuity of trying to meet the demands of the order.  
21 And I don't think those things can risk being overlooked,  
22 because they're real. And oftentimes the people who are in  
23 charge of complying, or in charge of trying to get us in  
24 compliance, they come up sick, you know. And so I don't think  
25 that this has been an ordinary year in any way, shape, or



1 form, but we are making attempts to comply with the stipulated  
2 order that we agreed to over a year ago.

3 MS. BARKER: Your Honor, and I would just like to  
4 piggyback on what Attorney Gaylor has said. Yes, if this was  
5 the same day and time of December 20-something, whenever we  
6 entered into this order, do I think we would be compliant in  
7 it? Yes, I do. However, it's not. A new sheriff's  
8 administration came in. We were -- you know, and I know the  
9 County, we were all on board.

10 COVID hit. Our lives came to a halt. Nobody knew how  
11 to deal with this in detention services. People -- our  
12 employees were hospitalized, key employees, and the fact --  
13 yes, we did not meet every deadline, and there are some we are  
14 deficient in, but we've done a lot of it under the  
15 circumstances.

16 And I understand the DOJ's frustrations; I understand  
17 the Court's frustrations. However, we have, you know, had  
18 improvements, and the fact that we've done anything and there  
19 hasn't been a complete breakout in the jail with COVID or  
20 that, you know, we've totally failed on every avenue is  
21 amazing given the resources that we have, given the staffing  
22 that we have, and, you know, given what we have faced, I mean,  
23 not only professionally, personally. People are -- this is  
24 just a difficult year.

25 So for the DOJ to say they will renew their motion for

1 contempt, they have every right to do that; however, this is  
2 not the same playing field as it was whenever we sat in your  
3 courtroom in December of '19.

4 THE COURT: Well, let me ask this question. DOJ will  
5 have -- I don't think they actually said that they would do  
6 that, but they'll have an opportunity to do whatever they  
7 wish.

8 But since Pod C has been repaired, have there been any  
9 breakdowns of the locks anymore in Pod C? In Pod C? Did --  
10 in other words, did the people from out in Texas come do the  
11 job and did that fix the door issue? Because that had been a  
12 running issue about the doors.

13 MS. BARKER: Yes, Your Honor.

14 THE COURT: So no more doors have been broken in Pod C?

15 MS. BARKER: Correct.

16 THE COURT: Okay. So that's one big thing that has  
17 been resolved, then; right?

18 MS. BARKER: That's -- that's huge, yes.

19 THE COURT: That's huge. So, again, I would expect  
20 them to do that in Pod B really soon.

21 MS. BARKER: Yes, sir, that's what our expectation is.  
22 It would be great, because our staff and our inmates are --  
23 the safety and security of them are at issue, and it's a very  
24 big concern.

25 MR. GAYLOR: We've also communicated with our

1 construction manager during the course of this hearing, and  
2 it's our understanding that some repairs to the doors in Pod B  
3 are supposed to be made by the end of the month as well, by  
4 the end of February. And so we are making the attempt to get  
5 things in order so that that place can be habitable.

6 I think it should also be noted that over the course of  
7 the last year, our inmate resident population has gone up  
8 significantly as well. So that would have an impact on the  
9 housing arrangements; that would have an impact on staffing  
10 issues and everything else.

11 THE COURT: It has gone up because JDC has moved out  
12 there? Because I don't think the County now is holding people  
13 for misdemeanors. Has crime jumped up -- I mean, you know,  
14 have that many more arrests been made, or are we talking about  
15 the RDC -- more people out at the RDC because JDC has closed?

16 MR. GAYLOR: I believe the representation can be made  
17 that more arrests have been made. I will let the sheriff's  
18 department answer that, though.

19 SHERIFF VANCE: Your Honor?

20 THE COURT: Yes, I'm here. Yes.

21 SHERIFF VANCE: Yes, sir. We've been pretty successful  
22 in trying to keep the number consistent. It has gone up some,  
23 but we're able to manage despite the fact that the JDC has  
24 been closed down. And -- but, again, it's difficult to  
25 predict because of the turnover, the large turnover, that

1 we're having with our detention officers. But our staff has  
2 been able to manage.

3 I failed to mention the other time, we're starting  
4 another class of detention officer candidates next week.  
5 We're also getting ready to find us a recruiter. The first  
6 two that we hired just, frankly, did not work out or  
7 underachieved, so we are -- we have accepted the fact that  
8 constant hiring as far as detention officers are concerned is  
9 going to be a way of life for us. We've accepted that. And  
10 so we will be constantly hiring as long as we can find  
11 suitable candidates.

12 THE COURT: Okay. Thank you.

13 Ms. Simpson, did I hear you correctly that -- I think  
14 typically we would do this call at the end of the week after  
15 you've done everything for your "site visit." As I appreciate  
16 it, you're still doing your site visit now. I think you said  
17 you're at least doing some stuff today or tomorrow or  
18 whatever. So we're on the front end of your site visit; is  
19 that right?

20 MS. SIMPSON: That's correct. We started it yesterday  
21 and have interviews scheduled through Thursday. I think we'll  
22 probably have to add a few rescheduled interviews on Friday,  
23 so we should be completed sometime on Friday other than  
24 additional documents that we might need to review.

25 THE COURT: Okay. All right.

1           Mr. Cheng for the Government, do you have any, I guess,  
2   final words or observations you wish to make?

3           MR. CHENG: Yes, Your Honor. I think we could probably  
4   get into a big argument about what's going on or not going on  
5   and there would be a big fact dispute. But I think even from  
6   what you've heard from the County this afternoon, there are  
7   some concessions here that I think are relevant to how we'd  
8   look at the stipulated order and noncompliance not only with  
9   the stipulated order but with the settlement agreement itself,  
10   which, just as a reminder, is also a lawful agreement that  
11   they stipulated to when they signed it.

12           You hear both the district attorney and the county  
13   folks talking about how they've been having these separate  
14   meetings about how to get the criminal justice process working  
15   and about how there's a backlog in getting people tried and  
16   how that breaks the entire system. We knew that when we  
17   entered a stipulated order, which is why there's an entire  
18   provision on creating a pretrial services program and using  
19   the CJCC to help to deal with these problems.

20           Now, I appreciate that folks are sort of on their own  
21   going out there and dealing with this stuff, but where's the  
22   big-picture, long-term planning for trying to deal with these  
23   problems? How do they get all the parties together through  
24   the mechanisms that have been developed under decree to get  
25   these problems fixed? So that goes back to the concern about

1 the long-term planning.

2 And then, of course, we've got the short-term planning  
3 issues. These maintenance issues that they're talking about,  
4 you know, I know the County -- you know, I'm grateful to them  
5 for being candid and admitting that there are lighting issues  
6 and that there are these other problems in A and B-Pod, but  
7 these didn't just sort of happen today. These were issues  
8 that they've known in some form were prevalent throughout  
9 Raymond when the stipulated order was entered.

10 So once they started moving people around and they knew  
11 there were these sort of emergency physical plant issues, what  
12 were the short-term plans to deal with the lack of lighting or  
13 fire safety problems or the many other issues that are showing  
14 up now?

15 I guess what I'm saying is that while I understand and  
16 appreciate their difficulties, I do think, you know, they're  
17 accepting a state of affairs that they shouldn't accept.  
18 There needs to be sort of high-level executive leadership and  
19 planning to deal with these things.

20 I do want to mention a COVID issue since that got  
21 brought up. I actually felt kind of bad watching them  
22 Ms. Barker, the sheriff, and other key administrators in the  
23 office not wearing their masks. This isn't the first time  
24 this has happened. I do want to make it clear that although  
25 we're asking for meetings with all these folks, we don't want

1 anyone to do anything that is unsafe and that they should  
2 still follow their own policies for COVID prevention, and we  
3 don't want to suggest anyone should break it for this site  
4 visit.

5 I will mention, however, that while we're still looking  
6 at the COVID issue, we do have some concerns about the quality  
7 of the COVID testing and the sort of protocols for contact  
8 tracing, which we're going to ask the monitor to look into. I  
9 think Dr. Dudley is looking into that issue. We understand  
10 they don't have a lot of positive tests, but, you know, I  
11 don't think it's a surprise to Your Honor that there have been  
12 some articles indicating that the state of Mississippi hasn't  
13 been particularly good about statewide testing. We are not  
14 making this the highest priority issue just because we  
15 understand everyone is having difficulties with COVID right  
16 now, but we did want to flag that as a concern.

17 In addition to the plan timetable issue, I also want to  
18 ask if the Court could consider setting another hearing. We  
19 do find that when there are these hearings, it does make  
20 people focus a little more on the immediate reforms. We heard  
21 the County today talk about how they're going to get the doors  
22 fixed, B fixed, A fixed.

23 I personally -- I think the Department has some  
24 concerns about whether that's really going to happen on the  
25 timeframes mentioned here during this hearing. I think the

1 concern is sort of based on this sort of long-standing history  
2 where, you know, promises are made, but then things don't  
3 really get done when they're promised. But we also know even  
4 from this initial site visit that there are already some  
5 issues that are creeping up in the interviews that we should  
6 flag to the Court.

7           One is that the maintenance staff, there was such  
8 turnover in the maintenance staff and a complete  
9 reorganization of the county maintenance department that may  
10 end up delaying some of the reforms.

11           Another issue is budgetary. Our understanding is that  
12 the construction manager has already submitted proposals for  
13 getting a lot of these things fixed. But there was apparently  
14 quite a bit of cost overrun in the last round of repairs, and  
15 that has been giving the Board of Supervisors concerns. If  
16 that remains a problem, then those big-picture repairs are  
17 going to be delayed as well.

18           And, finally, there's issue with the staffing. At  
19 least based on the initial interviews, it sounds like the  
20 state Department of Corrections is recruiting for  
21 \$30,000-per-year starting salaries for state prison staff.  
22 The detention staff in Hinds County I believe start at around  
23 27,000 at the jail, and they start much lower than that at the  
24 Henley-Young facility.

25           So, you know, these things are all sort of out there.



1 I know the monitor hasn't had to deal with it yet because  
2 she's still assessing it. But I think we can proffer to the  
3 Court that there's every reason to believe that absent, you  
4 know, close scrutiny by this court, the problems are going to  
5 remain, and they're not going to be fixed right away. So I  
6 think that is in a nutshell sort of our view on this matter,  
7 Your Honor.

8 THE COURT: Okay. I did -- I'm glad you mentioned the  
9 COVID, because I did have my questions there to the County and  
10 the sheriff with respect to that issue. I heard Ms. Barker  
11 say there has not been an outbreak. How much testing --  
12 formal testing and tracing is the County doing? Is the  
13 sheriff doing any testing and tracing?

14 MS. BARKER: Yes, Your Honor. We're only testing if an  
15 employee -- I mean, if an inmate complains of COVID symptoms  
16 or if they are symptomatic. And we've tested -- the last  
17 positive -- the last positive test that we had was  
18 January 31st. Since then we have had probably about 15 more  
19 tests done. They've all been negative. And so that has --  
20 like I said, we're not testing every single inmate, but those  
21 that are symptomatic, we are testing. And no one has had to  
22 be treated for severe flu-like symptoms, or no one has gone to  
23 the hospital for any COVID symptoms or illness.

24 THE COURT: And that protocol that you're operating  
25 under, is that the protocol that the state Department of

1 Health has suggested or authorized?

2 MS. BARKER: It is, Your Honor. Our medical provider,  
3 QCHC, is -- we're following their protocol as well as the  
4 state Department of Health's protocol.

5 THE COURT: Has there been any attempt to test all of  
6 the inmates out there? I know that was done at another  
7 facility. Have all the inmates under your custody been  
8 tested?

9 MS. BARKER: Your Honor, last year we did do mass  
10 testing of all the inmates in our custody. Of course, it was  
11 voluntary, and I think from that there was a very low  
12 number -- I think that maybe (AUDIO GAP) -- I don't want to  
13 give you wrong numbers, Your Honor. We've presented it to the  
14 Court before. But there was a relatively low number of  
15 inmates who tested positive in that group.

16 THE COURT: With respect to the use of masks and  
17 sanitizing soap and sanitizers, are the inmates provided with  
18 masks?

19 MS. BARKER: Yes, Your Honor. They're presented with  
20 masks and soap, and from my understanding is that the masks  
21 are -- they have the option of changing out the masks about  
22 weekly.

23 THE COURT: Biweekly, or did you say "about weekly"?

24 MS. BARKER: Biweekly, Your Honor.

25 THE COURT: Twice in a week or once every other week?

1 MS. BARKER: Once every other week.

2 THE COURT: What type of masks are these? N95 or cloth  
3 or paper? What type?

4 MS. BARKER: It's a combination, Your Honor. It's  
5 really whatever based on our resources and what we have on  
6 hand.

7 THE COURT: Has there been any talk about trying to  
8 provide masks more frequently than -- you said one mask, so  
9 one mask every other week. So an inmate gets about two masks  
10 a month.

11 MS. BARKER: Your Honor, we are dealing -- we are  
12 trying to ration the -- I don't want use the word "ration."  
13 We are dealing with the resources that we have as far as the  
14 masks. If we had one that we can give them every single day,  
15 a new mask, that would be wonderful. Right now I don't think  
16 that's the --

17 THE COURT: Are you providing the employees with a mask  
18 every other week?

19 MS. BARKER: Employees have their own mask. Or if they  
20 need one, we will supply them one.

21 THE COURT: That just does not sound as sanitary to me  
22 as it should. I don't know. I'll talk with the health  
23 officers about that and allow them to chime in at some point  
24 in time, but that just doesn't sound the best for a place that  
25 you cannot social distance and a place where hygiene is not

1 optimum. It just -- I mean, it just sounds that way to me,  
2 but, hey, I'm sitting here.

3 I know we got off track with respect to our meeting  
4 times because, again, we have not met since last June. If we  
5 get back on the same schedule that we were operating under  
6 prior to December, that the monitors would submit a report to  
7 the Court from this review which they expect to end by the end  
8 of this week, Ms. Simpson, that -- you would submit that  
9 report when? Is it 60 or 90 days?

10 MS. SIMPSON: It is -- I submit it to the parties  
11 30 days after the end of the site visit, and then I believe  
12 there's ten working days for the parties to review it and get  
13 any revisions back to me or any suggestions. And then it  
14 usually takes me a few days after that to incorporate those.  
15 So it ends up being probably 45 days.

16 THE COURT: Okay. In that case, I will suggest that  
17 our next meeting be 60 days from today, or I'm saying 60 days.  
18 April 9th, which is a Friday, at 10:00 a.m. And right now  
19 we'll plan for it to be in this same format, Zoom. I just  
20 don't expect things to have lightened up anyway by then. So  
21 we'll do it by then.

22 And I will expect to hear real good news on this Pod B  
23 and Pod A situation. I would expect to hear it. I mean,  
24 unfortunately, I won't be able to see it, but I did find that  
25 my visit was helpful to me. But I can tell you this: I will

1 not be visiting the detention center during the era of COVID,  
2 so you don't have to worry about that.

3 MR. CHENG: Your Honor?

4 THE COURT: Yes, Mr. Cheng.

5 MR. CHENG: May I make a suggestion?

6 THE COURT: Yes.

7 MR. CHENG: The -- Benchmark actually produced videos  
8 of the repairs. They provided it to the monitoring team. It  
9 might be helpful if they could submit a report and a video for  
10 the hearing. If in theory everything is fixed in 60 days, the  
11 architects should be able to submit photographs and videos of  
12 that.

13 THE COURT: Yeah. The monitors could request it and  
14 get to me anything that they think I need to see. That's a  
15 good idea. I mean, you know, so -- yeah.

16 Is there anything else we need to cover?

17 All right. Well, Counsel, I appreciate your  
18 participation. Thank you for making yourselves available, and  
19 the Court will see you back on April 9th and continue to work  
20 with each other.

21 That concludes all that the Court has. The Court is  
22 now adjourned.

23 \*\*\*\*\*  
24  
25

**COURT REPORTER'S CERTIFICATE**

I, Candice S. Crane, Certified Court Reporter,  
Registered Professional Reporter in and for the State of  
Mississippi, Official Court Reporter for the United States  
District Court, Southern District of Mississippi, do hereby  
certify that the above and foregoing pages contain a full,  
true, and correct transcript of the proceedings had in the  
forenamed case at the time and place indicated, which  
proceedings were stenographically recorded by me to the best  
of my skill and ability.

I further certify that the transcript fees and format  
comply with those prescribed by the Court and Judicial  
Conference of the United States.

THIS the 24th day of February, 2021.

/s/ Candice S. Crane, RPR CCR

Candice S. Crane, RPR, CCR  
Official Court Reporter  
United States District Court  
Candice\_Crane@mssd.uscourts.gov